THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, APRIL 15, 2014 AT 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED IN THE GOVERNMENT CENTER, 1255 FRANKLIN STREET, SUITE 104, ROCKY MOUNT, VIRGINIA.

THERE WERE PRESENT: David Cundiff, Chairman

Cline Brubaker, Vice-Chairman

Bob Camicia Ronnie Thompson Charles Wagner Leland Mitchell Bobby Thompson

OTHERS PRESENT: Richard E. Huff, II, County Administrator

Christopher Whitlow, Deputy Co. Administrator

B. J. Jefferson, County Attorney

Sharon K. Tudor, MMC, Clerk (Minutes taken by

Connie Stanley)

David Cundiff, Chairman, called the meeting to order.

David Cundiff, Chairman held a Moment of Silence for Sharon K. Tudor, Clerk's Mother Barbara B. Keatts who passed away on Sunday, April 13, 2014.

Invocation was given by Supervisor Bobby Thompson.

Pledge of Allegiance was led by Supervisor Leland Mitchell

PUBLIC COMMENT:

Phyllis Dunnings - Diamond Avenue

Ms. Dunnings requested to have a meeting with the Board to discuss another way out on Diamond Avenue.

CONSENT AGENDA

<u>APPROVAL OF ACCOUNTS PAYABLE LISTING, APPROPRIATIONS, TRANSFERS & MINUTES FOR – MARCH 18, 2014</u>

<u>APPROPRIATIONS</u>

<u>DEPARTMENT</u>	<u>PUI</u>	RPOSE	ACCO	<u>UNT</u>	AMOUNT
	Pla	nning and Zoning Legal			
Board of Supervisors		covery	1101-	3002	\$500
		ok Sales, Donations,			
Library	Los	st Items	7301-	5411	\$1,004
	By	rne Justice Assistance			
Sheriff	Gra		3102-	5409	\$1,011
Sheriff	Во	at Patrol Donation	3102-	5204	\$50,000
Sheriff	Domestic Violence Grant		3105-	1001	\$35,390
		1			
Parks and Recreation		Insurance Proceeds	30-	0013	\$6,060
		Fire Programs Funds			
Public Safety		Computer Grant	3505-	5463	\$2,000
		Incentive Grant			
Economic Development		Reimbursement	30-	0007	\$2,000
		1			\$97,965
Transfers Between Funds on	· Capital				
Accounts					
Reassessment Funds in General Fu	nd		1211-	3002	(\$150,000)

Reassessment Reserve	30-	0047	\$150,000
Landfill Maintenance Reserve	4204-	9122	(\$100,000)
Landfill Maintenance Contingency	30-	0047	\$100,000
General Properties Repairs	4302-	3004	(\$50,000)
General Properties Contingency	30-	0006	\$50,000
Public Works Professional Services	4120-	3002	(\$35,000)
Capital Reserve Fund	30-	0047	\$35,000
Planning Professional Services	8102-	3002	(\$35,450)
Planning Advertising	8102-	3007	(\$18,500)
Capital Reserve Fund	30-	0047	\$53,950
Economic Development	8105-	5901	(\$175,000)
Economic Development Set Aside	30-	0007	\$175,000
To reclass reserve funds from the general fund to the capital fund.			

NATIONAL COOPERATIVE EXTENSION CENTENNIAL CELEBRATION WEEK CENTENNIAL CELEBRATION MONTH RESOLUTION

Recognizing May 4-10, 2014 as National Cooperative Extension Centennial Celebration Week **WHEREAS**, Virginia Cooperative Extension of Franklin County is part of the nationwide Cooperative Extension System that is a partnership of federal, state and local governments and Virginia Tech and Virginia State University, the state's land-grant universities in Virginia; and

WHEREAS, the Smith Lever Act of 1914 established the Cooperative Extension Services, utilizing faculty serving as Extension Agents, who along with local staff and community-based resources, extend University research and knowledge to local communities; and

WHEREAS, Virginia Cooperative Extension provides wide-ranging educational programs and information in the areas of agriculture, natural resources, family and consumer sciences, 4-H youth development, food, nutrition and health, along with related areas of economic and workforce development across Virginia; and

WHEREAS, Virginia Cooperative Extension programs in Family and Consumer Sciences; Agriculture and Natural Resources; 4-H Youth Development and Community Viability, benefit more than 20,000 individuals, schools and business in Franklin County.

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of Franklin County that May 4-10, 2014, be designated as National Cooperative Extension Centennial Celebration Week in Franklin County and that we encourage residents to take advantage of the programs and educational opportunities that Virginia Cooperative Extension offers to the community.

NATIONAL TELECOMMUNICATOR'S WEEK RESOLUTION

National Telecommunicator's Week April 13-19, 2014

WHEREAS emergencies can occur at anytime that require police, fire or emergency medical services;

AND WHEREAS when an emergency occurs, the prompt response of police officers, firefighters and EMS is critical to the protection of life and preservation of property;

AND WHEREAS the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Franklin County communications center;

AND WHEREAS Communications Officers are the first and most critical contact our citizens have with emergency services;

AND WHEREAS Communications Officers are the single vital link for our police officers, firefighters and EMS by monitoring their activities by radio, providing them information and insuring their safety;

AND WHEREAS Communications Officers of the Franklin County 9-1-1 Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients;

AND WHEREAS each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

THEREFORE BE IT RESOLVED that the Franklin County Board of Supervisors declares the week of April 13th through 19th, 2014 to be National Telecommunicator's Week in Franklin County, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

<u>AUTHORIZATION TO ADVERTISE FOR PUBLIC HEARING FOR VDOT SIX-YEAR</u> SECONDARY ROAD PLAN

The State of Virginia requires the Board of Supervisors to review and adopt by resolution the Secondary Six Year Plan (SSYP) annually.

Funds for the Secondary Six Year Plan (SSYP) and the construction budget are derived from state and federal fuel taxes, vehicle title fees, vehicle sales tax and one-half cent of the State's general sales tax. The predictability of funding amounts is greatly dictated by the financial climate of the times and changes of funding levels by the federal government. Therefore, in dealing with construction funds, especially in the Secondary Six Year Plan (SSYP), VDOT is dealing with approximations or projections. The Secondary Six Year Plan is based on estimated funding which is provided by the Financial Planning Division of VDOT.

On March 18, 2014, VDOT staff held a work session with the Board of Supervisors to discuss the 2015-2020 Secondary Six Year Plan. VDOT staff stated state transportation revenue forecast for major sources is down by \$795.6 million from \$20.286 billion to \$19.533 billon. Also, Federal revenue forecast is down by \$123.1 million from \$5.635 billion to \$5.512 billion.

Funding allocations from the FY2014-2019 Secondary Six Year Plan have been reduced by a total of \$1,891,207. (Please see the breakdown of funding submitted to the executive summary)

Basically all funding of "Formula Secondary and Secondary Unpaved" have been eliminated. The funding for the "Formula Secondary" was for the intersection of Harmony School Road (Rte. 634) and Booker T. Washington Highway (Rte. 122). This project will be removed from the 2015-2020 SSYP. Also, the "Secondary Unpaved" funding was for roads of 50 vehicles or more a day. Funding allocated for Inglewood Road (Rte. 672) and Red Valley Road (Rte. 657) will be removed for the 2015-2020 SSYP. However, the State has passed CTB Formula – Unpaved funding to be used for 50 or more vehicles a day instead of just more than 200 vehicles a day. All remaining projects will remain on the FY2015-2020 SSYP. Due to funding allocations no new projects can be added to the SSYP for the FY2015-2020.

RECOMMENDATION:

Staff respectfully requests that the Board of Supervisors hold a public hearing in May for the FY2015-2020 Secondary Six Year Plan (SSYP) adoption and resolution.

SSYP ALLOCATION COMPARISON

FY 2014-2019 PLAN -VS- FY 2015-2020 PLAN

		FY 14 -	19				
CODE	FUND	FY15		FY16	FY17	FY18	FY19
3001500	CTB Formula - Unpaved	\$ 166,674	\$	252,521	\$ 289,421	\$ 289,421	\$ 289,421
6030601	Formula Secondary	\$ -	\$		\$ 255,356	\$ 318,957	\$ 385,775
6030605	Secondary Unpaved	\$ 1/4/	\$	- 2	\$ 42,634	\$ 53,253	\$ 64,409
6030606	TeleFee	\$ 157,476	\$	157,476	\$ 157,476	\$ 157,476	\$ 157,476

			FY:	15 - 20						
CODE	FUND	FY15		FY16	FY17	FY18		FY19		FY20
3001500	CTB Formula - Unpaved	\$ 47,784	\$	89,401	\$ 130,677	\$ 132,450	\$	142,423	\$	137,823
6030601	Formula Secondary	\$ 	\$	-	\$ -	\$ -	\$	-	\$	
6030605	Secondary Unpaved	\$ -	\$	-	\$	\$ -	\$	-	\$	-
6030606	TeleFee	\$ 152,256	\$	152,256	\$ 152,256	\$ 152,256	Ŝ	152,256	Ś	152,256

		D	IFF	ERENCE			15		
CODE	FUND	FY15		FY16	 FY17	 FY18		FY19	FY20
3001500	CTB Formula - Unpaved	\$ (118,890)	\$	(163,120)	\$ (158,744)	\$ (156,971)	\$	(146,998)	\$ 137,823
6030601	Formula Secondary	\$	\$		\$ (255,356)	\$ (318,957)	\$	(385,775)	\$ _
6030605	Secondary Unpaved	\$ 	\$		\$ (42,634)	\$ (53,253)	\$	(64,409)	\$ -
6030606	TeleFee	\$ (5,220)	\$	(5,220)	\$ (5,220)	\$ (5,220)	\$	(5,220)	\$ 152,256

	TOTAL CHANGE FY 15 - FY	19	
3001500	CTB Formula - Unpaved	\$	(744,723
6030601	Formula Secondary	\$	(960,088
6030605	Secondary Unpaved	\$	(160,296
6030606	TeleFee	\$	(26,100)
- 10		S	(1,891,207)

NOTE- FY 14 Funding information removed - No FY 20 funding in FY14 - FY 19 Allocations.

AUTHORIZATION TO ADVERTISE FOR RELEASE FOR COUNTY AUDIT

Staff is seeking authorization to solicit bids for the County Audit with the said proposal to provide Auditing Services and Central Services Cost Allocation Plan Services for fiscal years ending June 30, 2014, 2015 & 2016.

County staff will advertise the submitted Request for Proposal on Friday, April 18, 2014. Proposals will be due back within a three week period from the date of the last advertisement. Staff will submit a summary of bids and recommendation to the Board for their review and award during their *Tuesday*, *June 17*, 2014, meeting.

RECOMMENDATION:

Staff respectfully requests Board authorization to solicit bids for the County's Audit Services and Central Services Cost Allocation Plan for the fiscal years ending June 30, 2014, 2015 & 2016.

<u>AUTHORIZATION TO RELEASE RFP FOR COUNTY BANKING SERVICES</u>

Staff is seeking authorization to solicit bids for the County's Banking Services with the said proposal to provide Banking Services from July 1, 2014 and ending June 30, 2017.

County staff will advertise the submitted Request for Proposal on Friday, May 9 & 11, 2014. Proposals will be due back *Thursday, May 29, 2014* @ *4:00 P.M.* Staff will submit a summary of bids and recommendation to the Board for their review and award during the Tuesday, *June 17, 2014* meeting.

RECOMMENDATION:

Staff respectfully requests Board authorization to solicit bids for the County's Banking Services July 1, 2014 ending June 30, 2017.

<u>APPROVAL FOR 2014 ROOSTER WALK FESTIVAL SEPCIAL ENTERTAINMENT PERMIT</u>

William J. Baptist, is requesting Board approval for their 2014 Annual Rooster Walk/Special Entertainment Permit scheduled for May 22, 23, 24 & 25, 2014. Mr. Baptist held four (4) events in May 2013. Mr. Baptist's permit was in compliance with the County Ordinance guidelines and a \$10,000.00 property/cash bond (Robert A. King Property/site of event) was posted.

Mr. Baptist has obtained all of the pertinent and required County department signatures on the proposed Special Entertainment Permit. The application is in order and the set bond will be

posted 10 days prior to the day the festival is to begin. Mr. Baptist has remitted the filing fee of \$100.00 per County Code Section 3-83.

Lastly, Mr. Baptist is requesting the Rooster Walk event to be held in his name (as in prior years, the Rooster Walk was sponsored and permitted under the name of Blue Mountain Promotions Special Entertainment Permit/Owner and Operator Robert A. King).

RECOMMENDATION:

Staff recommendation is to set the bond similar to other like permits at a \$10,000 property bond subject to approval by the County Attorney and to approve the proposed Special Entertainment Permit for William J. Baptist scheduled for May 22, 23, 24, & 25, 2014.

DECLARATION OF SURPLUS PROPERTY

In keeping with County Policy – the Board of Supervisors is requested to officially declare all property, which is taken out of routine service as "surplus". After this designation – a listing is made available for review among all County Departments in an effort to determine whether any surplused items may be re-assigned. All remaining items are usually offered for sale at public auction.

On a regular basis items such as office furniture, shelving, tools and equipment are removed from use. Most often such equipment has become too expensive to maintain or deemed in need of replacement.

Recently the Department of Parks and Recreation has provided a listing of such items.

- 3- Husqvarna Chain Saws (non-working)
- 1- Husqvarna Leaf Blower (non-working)
- 6- Robin Weed eaters (non-working)
- 1- Stihl Weed eater (non-working)

Scrap metal

- A. 1 Grill
- B. 7 Metal paint machines
- C. 2 Torque floor jacks
- D. 2 Out dated trailer axles
- E. 5 Line machines
- F. 1 Metal Cage
- G. 1 Truck Seat
- 1- Kubota 72" Mowing Deck
- 1- Coleman Power mate Compressor 80 gal. (motor bad)
- 1- Vanguard 16HP leaf vacuum (motor bad)
- 1- Cub Cadet HDS 2155 riding mower (needs clutch)
- 2- Woods 3 pt hitch mowing decks
- 2- Gas powered paint machines
- 1-87Ford Econoline 350 box truck
- 1-Pontoon Boat Trailer
- 1-Military Dump Trailer

Of the above items, the 87 Ford Box Truck was given to the Department by the School Division. It is common practice in such circumstances to return the vehicle to them for disposition as the School Board deems appropriate. The items listed as "scrap metal" are best disposed of as such. The remaining items will be offered at public auction on Saturday, April 26, 2014.

In addition, to the Department of General Properties has the following to be declared surplus:

- 10 4 tube (T-8) Lay In Fixtures
- 48 2 tube (T-8) Surface Mount Shop Lights
- 80 Used T-8 Bulbs
- 11 Office Chairs
- 2 Twin Bed Frames
- 1 Metal Storage Bin

Misc. Doors, Tables, File Cabinets, Shelves, Electric Panels, Radio Equipment, Etc.

These items will be offered at the public auction on Saturday, April 26, 2014.

RECOMMENDATION:

Staff requests that the Board of Supervisors declare the items listed as surplus. Items will first be offered to other County Departments. All remaining items will be sold at public auction. This Spring's auction will be Saturday, April 26, 2014 at the School Bus Garage area. It should be noted that County employees and their immediate families **ARE NOT** allowed to bid on such items.

ROCKY MOUNT ROTARY CLUB GRANT/PARKS & RECREATION FITNESS TRAIL PARTNERSHIP

In response to Carilion Clinic's Community Heath Assessment, citing high rates of obesity, diabetes, and lack of access to exercise facilities in Franklin County, the Rocky Mount Rotary Club is proposing a community project to directly address this. The Rocky Mount Rotary Club would like to improve and expand the walking trails at Waid Park to create a 5K Family Fitness Trail. The need for this type of project is supported by CHA Consulting when trails were identified as Franklin County's second most desired recreational amenity via a county-wide survey conducted in 2009.

Many people realize that exercise is important for maintaining good health at all stages in life, however few individuals exercise on a regular basis. Recent surveys have found that 60% of citizens are not regularly physically active and 25% of these are not active at all. One of the major reasons for this is the lack of access to fitness facilities. Trails, such as the one proposed, provide not only a popular venue for people to exercise but also one that is free for public use.

The specific goal of the 5K Family Fitness Trail is to: Improve the existing trail system at Waid Park to promote healthy active living. This will be accomplished with the following objectives: 1) Creating a recreational resource for daily/weekly exercise. 2) Building connectivity between existing park components. 3) Enhancing site for special events. 4) Developing central hub for larger trail system. 5) Generating critical mass of users.

Currently there are 1.5 miles of surfaced trails at Waid Park that are disconnected and do not allow for routes with significant distance. This project would expand and connect existing trails to create 3.3 miles with hardened surfaces. The hardened surface would allow for wheelchairs and jogging strollers as well as be open for all-weather use. Trail design would be installed with minimal grades suitable for all abilities.

The Rocky Mount Rotary Club has selected this project as their annual community improvement project for 2014. The Club will raise and donate \$10,000 for aggregate, bridge materials, and equipment rental. Franklin County Parks and Recreation will provide staff time to operate equipment and install pathways with an estimated 92 hours of time for construction as well as future maintenance. It is the goal of this partnership to create this "5K" running course that can be used for events and fundraisers that will bring runners from outside the region to the County along with their tourism dollars.

RECOMMENDATION:

Staff seeks the Board's approval to proceed with the partnered project with the Rocky Mount Rotary Club to create a 5K Family Fitness Trail with an accessible and safe trail network designed for all ages and abilities with the purpose of improving and promoting community health and increased tourism.



11TH ANNIVERSARY OF THE SOUTHWEST VIRGINIA ANTIQUE FARM DAYS RESOLUTION

THE FRANKLIN COUNTY BOARD OF SUPERVISORS HELD THEIR REGULAR MONTHLY MEETING ON TUESDAY, APRIL 15, 2014 @ 1:30 P.M., IN THE BOARD OF SUPERVISORS MEETING ROOM LOCATED IN THE GOVERNMENT CENTER, 1255 FRANKLIN STREET, SUITE 104, ROCKY MOUNT, VIRGINIA.

THERE WERE PRESENT: David Cundiff, Chairman

Cline Brubaker, Vice-Chairman

Bob Camicia Ronnie Thompson Charles Wagner Leland Mitchell Bobby Thompson

OTHERS PRESENT: Richard E. Huff, II, County Administrator

Christopher Whitlow, Asst. Co. Administrator

B. J. Jefferson, County Attorney Sharon K. Tudor, MMC, Clerk

WHEREAS, the Southwest Virginia Antique Farm Days will be held in Franklin County from June 13, 2014 through June 15, 2014; and

WHEREAS, 2014 is the 11th Anniversary of the Southwest Virginia Antique Farm Days; and

WHEREAS, the Southwest Virginia Antique Farm Days has grown into one of Franklin County's largest tourism events bringing visitors from all over the region to the community and creating substantial revenue for local businesses; and

WHEREAS, the show brings enjoyment and recreational opportunity to thousands of Franklin County residents annually; and

WHEREAS, the show is made possible only because of the hard work and dedication of the citizens of Franklin County who volunteer their time to host this wonderful event, specifically those associated with the Southwest Virginia Antique & Power Festival, Inc.; and

WHEREAS, the 2014 show welcomed well over 5,000 visitors and exhibitors to Franklin County; and

WHEREAS, the show celebrated the agricultural heritage of the region and the role that mechanization played in Franklin County's growth and prosperity in the 1900's; and

NOW BE IT THEREFORE RESOLVED, the Franklin County Board of Supervisors hereby expresses and acknowledges its sincere appreciation for the contributions that the Southwest Virginia Antique & Power Festival, Inc. and others have made to the economy of Franklin County and to the enjoyment and education of thousands of residents and visitors alike through the 2014 Southwest Virginia Antique Farm Days. The Board of Supervisors declares June 13, 14 and 15 to be Antique Farm Days in Franklin County.

AUTHORIZATION TO PURCHASE FIRE MARSHALL VEHICLE

In 2006, the county purchased Chevrolet Impala four door sedan for use by Public Safety that was assigned to the training coordinator. The vehicle was recently parked due to mechanical issues that will require a significant cost to repair. The training coordinator was issued the vehicle that was assigned to the retired Fire Marshal. On April 1, a new Fire Marshal was appointed will need a county vehicle for operations.

In 2006, three sedans were purchased for Public Safety administrative personnel to use. One of the sedans was declared a total loss after an accident in 2010 and was replaced. The second was replaced last year due to high maintenance costs while the third remained in service and was assigned to the training coordinator. The sedan assigned to the training coordinator has almost 100,000 miles and has been plagued with maintenance issues including one vehicle fire. The most recent mechanical issue is a blown head gasket that is causing the vehicle to randomly overheat. That vehicle has been removed from service and the training coordinator has been assigned the vehicle that was previously assigned to the fire marshal who recently retired.

On April 1, a new fire marshal was appointed and began his duties. He has temporarily been assigned a vehicle that was slated for surplus until a permanent vehicle can be purchased. The duties of the Fire Marshal require that he be available to respond to calls in inclement weather and frequently requires off road travel. The Fire Marshal must also tow trailers on occasion to hazardous materials incidents. The vehicle being requested for purchase is a 2014 Chevrolet Tahoe which is available on state contract for \$29,705 from Capital Chevrolet, Buick, GMC in Richmond. Adequate funds to facilitate the purchase were allocated in the 2013-2014 CIP budget in line item 3000-023-0145-7005 and are currently available.

RECOMMENDATION:

Staff respectfully requests the Board of Supervisors approve the purchase of the vehicle as requested and authorize the surplus of the 2006 Chevrolet sedan for it to be sold at auction.

(RESOLUTION #01-04-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the aforementioned consent agenda items.

MOTION BY: Bob Camicia
SECONDED BY: Leland Mitchell
VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

MONTHLY FINANCE REPORT

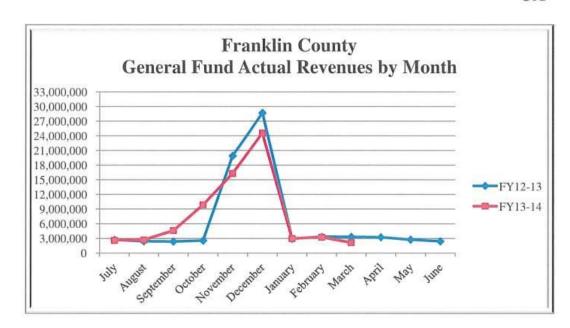
Vincent Copenhaver, Director of Finance, presented the following financial reports:

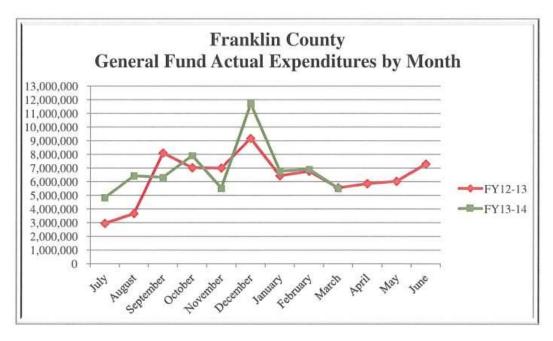
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Franklin County Cash Basis Revenue and Expenditure Summaries (Unaudited) General Fund and School Fund Only For The Nine Months Ending March 31, 2014 and 2013

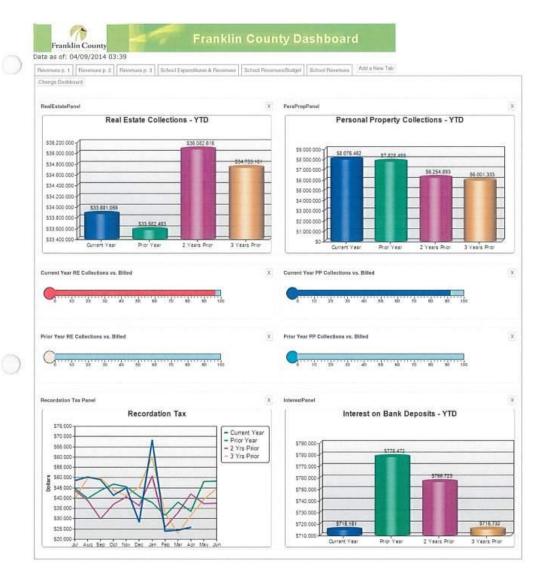
REVENUES:	Budget and Appropriations Current Year	Year to Date Revenues	Balance To Be Realized	Percent of Budget	Prior Year Actual At This Date
General Property Taxes	46,059,358	45,653,542	(405.816)	99.1%	45,484,056
Other Local Taxes	10,032,589	7,611,512	(2,421,077)	75.9%	7,589,456
Permits, Fees and Licenses	342,500	273,515	(68,985)	79.9%	238,477
Fines and Forfeitures	57,000	80,362	23,362	141.0%	85,058
Revenue from the use of Money and Property	1,085,000	855,108	(229,892)	78.8%	835,927
Charges for Services	2,580,169	2,064,085	(516,084)	80.0%	1,764,323
Miscellaneous Revenue	291,062	353,363	62,301	121.4%	472,205
Recovered Costs	415,390	390,899	(24,491)	94.1%	408,853
Revenue from the Commonwealth	15,426,962	11,573,963	(3,852,999)	75.0%	11,190,124
Federal Government	197,075	92,680	(104,395)	47.0%	86,133
Subtotal	76,487,105	68,949,029	(7,538,076)	90.1%	68,154,612
Carryover Funds	4,873,698	-	(1,100,100,100,100,100,100,100,100,100,1		
Total General Fund	81,360,803				
Schools					
Cafeteria, Misc, State, Federal	48,241,795	34,511,223	(13,730,572)	71.5%	34,609,930
Local Funding from County	33,517,111	25,429,465	(8,087,646)	75.9%	24,141,212
Total School Fund	81,758,906	59,940,688	(21,818,218)	73.3%	58,751,142
EXPENDITURES:	Budget and	Actual	Balance		Prior Year
	Appropriations	Year to Date	To Be	Percent	Actual
	Current Year	Expenditures	Expended	of Budget	At This Date
General and Financial Administration	4,173,046	3,054,895	1,118,151	73.2%	2,929,673
Judicial Administration	2,382,836	1,687,199	695,637	70.8%	1,735,047
Public Safety (Sheriff, Corrections, EMS)	12,631,918	9,795,878	2.836,040	77.5%	8,851,756
Public Works	3,768,237	2,305,850	1,462,387	61.2%	2,175,339
Health and Welfare	11,442,581	8,072.096	3,370,485	70.5%	7,554,347
Parks, Recreation, Libraries, Cmty Colleges	1,915,619	1,373,661	541,958	71.7%	1,333,462
Community Development	2,825,801	1,932,037	893,764	68.4%	1,933,652
Transfers to Schools, Capital, Debt	42,220,765	33,691,308	8,529,457	79.8%	30,120,021
Total General Fund	81,360,803	61,912,924	19,447,879	76,1%	56,633,297
School Fund	81,758,906	59,157,140	22,601,766	72.4%	58,075,343

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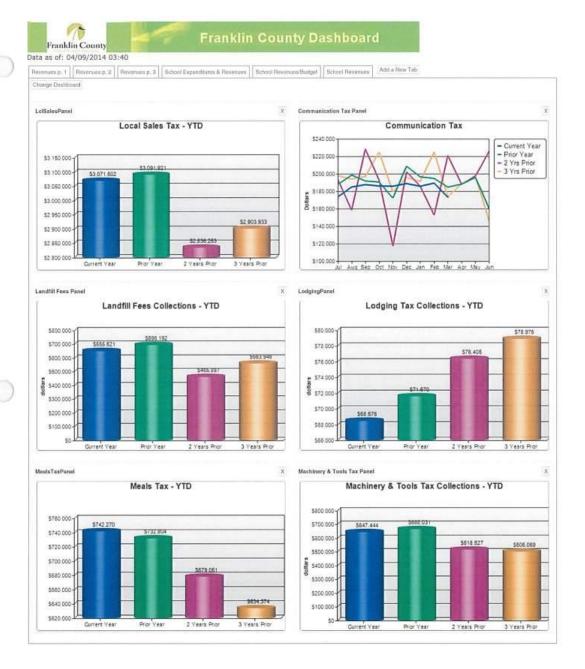




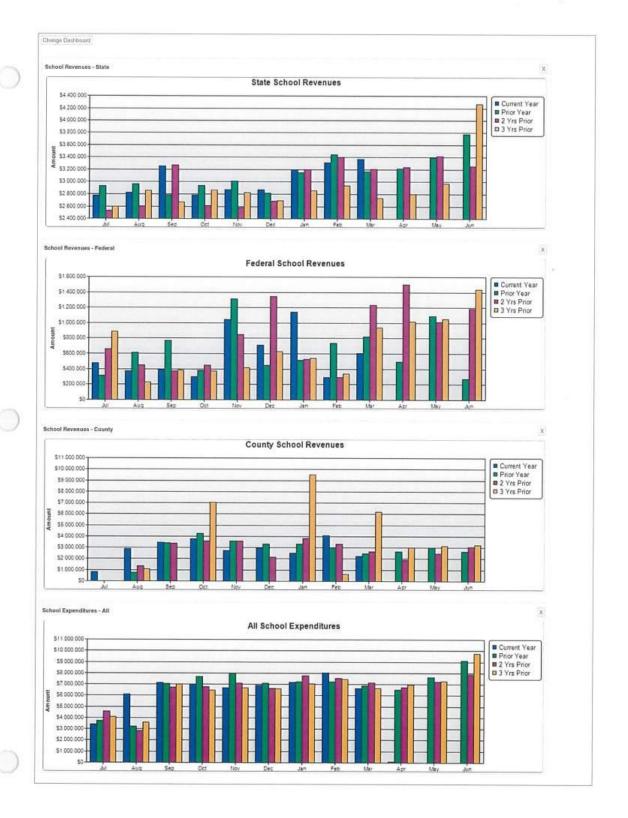
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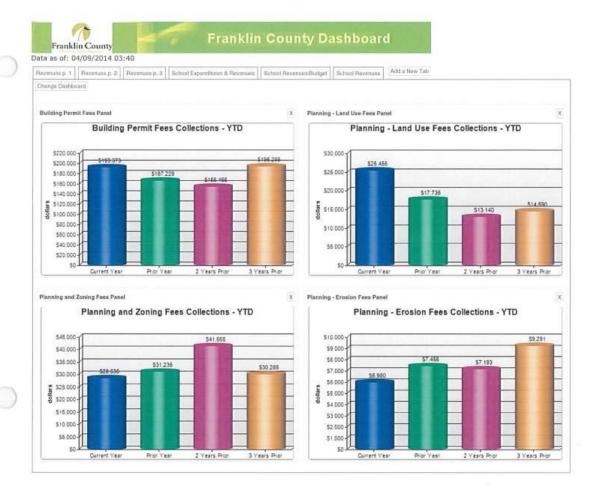
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4/9/2014

FRANKLIN COUNTY RECREATIONAL FIELDS/PROPERTY USE AGREEMENT

Brian Rutrough, President, Southwest Virginia Antique & Power Festival, Inc., made a request to the Board to execute a property use agreement as follows:

Dear Members of the Board:

The purpose of this letter of agreement is to outline the scope of the services that the Southwest Virginia Antique Power Festival, Inc. will perform for Franklin County Parks and Recreation on a new part of the Sontag Road facility. The Southwest Virginia Antique Power Festival, Inc. has a long history of supporting the facilities and activities of Franklin County Parks and Recreation's Sontag Road facility, having partnered in building a major road, minor roads in the new areas of the park, clearing significant forest land for expanding the park, contributing money to expanding electrical services in the park, and generally partnering with Parks and Recreation to expand the uses and capabilities of the park.

Services to Be Rendered:

Southwest Virginia Antique Power Festival, Inc. agrees to maintain the 32.6 acres (Parcel ID: 0830007300) located on Route 619 across from the Franklin County Recreation Park for agricultural purposes. Southwest Virginia Antique Power Festival, Inc. 1) will provide maintenance and upkeep of the agricultural area; 2) is responsible for production costs including fertilizer and costs associated with harvesting and revenue related to the agriculture; 3) will ensure that agricultural fields are prepared and available for use for the Franklin County Agricultural Fair in addition to the annual Antique Farm Days event which means that fields will be mowed to a reasonable level to allow for parking and bales will be removed so as to not interfere.

Term:

The County of Franklin hereby grants the Southwest Virginia Antique Power Festival, Inc. the right to utilize the premises for a period beginning on April 16, 2014 and ending June 30, 2015. The Southwest Virginia Antique Power Festival, Inc. recognizes that this property may be used for other recreational purposes in the future and will vacate the property willingly at such a time, after the end of the agreement, and will cooperate fully during the term of the agreement to accommodate any other unforeseen needs for the property.

Franklin County Agricultural Fair:

The Southwest Virginia Antique Power Festival, Inc. recognizes that this property was purchased in part for its use for recreational park property and for the Franklin County Agricultural Fair. Because of this, the Southwest Virginia Antique Power Festival, Inc. will ensure that any or all of the premises will be available for the Franklin County Agricultural Fair as requested by the County staff.

Repairs:

During the term of this agreement, the Southwest Virginia Antique Power Festival, Inc. Club shall make, at its expense, all necessary repairs to the premises for any damages that were caused by The Southwest Virginia Antique Power Festival, Inc. from its use of the property. No areas will be plowed by The Southwest Virginia Antique Power Festival, Inc. except after receiving approval from the Director of Parks and Recreation, and then the only area to be considered for plowing is an area of approximately two acres that will be used for grain production and in demonstrations associated with Antique Farm Days in June. The area of grain production will be located, based on staff's directions, in the back portion and toward the right when the property is viewed from Sontag Road. The two acre area will be on the opposite side of the high point in the property, away from any cemeteries, and out of sight from Sontag Road. After the grain is harvested, the soil will be fertilized to bring it back to at least to the nutrient levels considered to be best farming practices, as a part of replanting the land to meet best farming practices per Virginia Tech.

Improvements:

The Southwest Virginia Antique Power Festival, Inc. will not remodel, redecorate, make additions, improvements and replacements of and to all or any part of the premises without the County staff's prior consent.

Indemnification:

The Southwest Virginia Antique Power Festival, Inc. expressly waive and covenant not to sue on any claim we might have against the County of Franklin, any officer, any employee of these organizations, any volunteer, or the estate or representative of such persons for any personal injury or loss that the organization might sustain whether caused by negligence, breach of contract, or otherwise; except that this waiver shall not apply to any claim the organization might have against the County, for such personal injury or loss sustained arising out of the gross or wanton negligence of any such persons or entity.

This agreement is executed by Brian Rutrough, President of the Southwest Virginia Antique Power Festival, Inc. pursuant to due and proper authority.

Brian Rutrough, President	
Attest:	
Charles Brubaker, Secretary	

The County recently purchased 32.6 acres of property (Parcel ID: 0830007300) located on Route 619 across from the Franklin County Recreation Park. This property is primarily comprised of open fields and has been used for the production of hay in the past. Most fields that are strictly used for agriculture purposes such as many of the fields at Waid Park are leased to various bidders. However leasing the fields on the property recently purchased along Route 619 as referenced above is not feasible at this time as such property will intermittently be used for parking for events such as the Franklin County Agricultural Fair in September and the Antique Farm Days in June. A mutually beneficial arrangement has been developed with an organization that will remove the maintenance burden on the County while retaining the ability to use it for parking area or other recreational uses as needed.

The Southwest Virginia Antique Power Festival, Inc., who has a long history of supporting the facilities and activities of Franklin County Parks and Recreation's Sontag Road facility, has agreed to maintain this property while keeping it available for recreational use in exchange for harvesting of crops which will in part be used for demonstrations at their Antique Farm Days event.

The Southwest Virginia Antique Power Festival Inc. has partnered with the Parks and Recreation Department in the past to build major road and minor roads, clearing significant forest land, contributing money to expanding electrical services in the park, and generally partnering to expand the uses and capabilities at the Franklin County Recreation Park.

County staff and Southwest Virginia Antique Power Festival, Inc. members have been in discussions about the maintenance of this property and have developed a proposed arrangement that would be mutually beneficial. This proposed agreement would require that the Southwest Virginia Antique Power Festival, Inc. 1) provide maintenance and upkeep of the agricultural area; 2) be responsible for production costs including fertilizer and costs associated with harvesting and revenue related to the agriculture; 3) ensure that agricultural fields are prepared and available for use for the Franklin County Agricultural Fair in addition to the annual Antique Farm Days event which means that fields will be mowed to allow for parking. The Southwest Virginia Antique Power Festival, Inc. would do this in exchange that they are able to harvest hay and grains off the property for demonstration purposes and for sale.

The term of this agreement will be for a period beginning on April 16, 2014 and ending June 30, 2015 and will grant the Club the right to utilize the premises strictly for agricultural and educational demonstration purposes only.

As outlined in the proposed letter of agreement, the Southwest Virginia Antique Power Festival, Inc. recognizes that this property was purchased for recreational purposes and will vacate the property willingly at such a time, after the end of the agreement, and will cooperate fully during the term of the agreement to accommodate any other unforeseen needs for the property.

If repairs are needed, the Southwest Virginia Antique Power Festival, Inc. will make, at its expense, all necessary repairs to the premises for any damages that were caused by their use of the property. Furthermore, after crops are harvested, the soil will be fertilized to bring it back to at least to the nutrient levels considered to be best farming practices, as a part of replanting the land to meet best farming practices per Virginia Tech.

To protect the County from any claims that could arise from the Southwest Virginia Antique Power Festival, Inc.'s use of the property, the Club agrees to expressly waive and covenant not to sue on any claim against the County of Franklin, any officer, any employee of these organizations, any volunteer, or the estate or representative of such persons for any personal injury or loss that the organization might sustain whether caused by negligence, breach of contract, or otherwise; except that this shall not apply to any claim the organization might have against the County, for such personal injury or loss sustained arising out of the gross or wanton negligence of any such persons or entity.

Benefits of this arrangement to the County include the reduction in: 1) County employee time for mowing, 2) wear on County owned tractors and equipment, 3) fuel consumption to run machinery, 3) and the procurement of agricultural and maintenance supplies.

RECOMMENDATION:

Staff recommends the Board consider approving the request from the Southwest Virginia Antique Power Festival, Inc. for use of the property for agricultural and demonstration purposes with the restrictions and requirements outlined in the letter of agreement.



(RESOLUTION #02-04-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve the request from the Southwest Virginia Antique Power Festival, Inc. for use of the Hodges Property for agricultural and demonstration purposes as coordinated with the Parks & Recreation Department without executing an official agreement. Said approval does not limit the use of the property by the County for its purposes in any way and the Virginia Antique Power Festival, Inc. can harvest and sell the hay from the property to cover their expenses of maintaining the property. The approval also allows the Virginia Antique Power Festival, Inc. to plow and grow grain on approximately two acres of land behind the House and over the hill for later demonstration purposes at harvest time.

MOTION BY: Ronnie Thompson SECONDED BY: Charles Wagner

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Thompson & Cundiff

ABSTAINED: Bob Camicia

CHAPTER 7 E & S SEDIMENT CONTROL/STORMWATER ORDINANCE

Neil Holthouser, Director of Planning & Community Development, stated on July 1, 2014, new state regulations will go into effect governing stormwater runoff and water quality related to land development. Over the past year, Planning staff has been preparing for the new statewide regulations by developing a local stormwater management program, including the development of a local stormwater ordinance, a manual of program policies and procedures, and coordinating training of staff. We have done so under the assumption that state law would *require* us (and all Virginia county governments) to implement a local program by July 1st.

In March 2014, the Virginia legislature passed a bill, which the Governor has now signed into law, allowing county governments to "opt-out" of implementing a local stormwater management program. Under this law, localities may elect to have the Virginia Department of Environmental Quality (DEQ) administer the state's new stormwater laws. Planning staff has been following this relatively new development, seeking input from the local development community and comparing results in neighboring and peer jurisdictions.

The arguments in favor of "opting-out" are largely financial. Administration of a local stormwater management program will require personnel and training, the cost of which will

not likely be covered by new stormwater fees. "Opting-out" could also help shift blame from the County, as it would be clear that the new stormwater regulations were born at the federal and state levels.

Staff believes there are many compelling arguments for "opting-in," i.e. establishing a local stormwater management program within the Department of Planning & Community Development. A local program would allow the County to maintain a one-stop shop for development services, whereby stormwater review is integrated with local building, zoning, subdivision, floodplain, and erosion & sediment control review. Furthermore, it is assumed that local review would be more expeditious than DEQ review, as DEQ will have minimal staff reviewing plans over a large geographic territory. Third, it could be argued that a locally-staffed program would be more accountable to local elected officials and the local development community, whereby local officials have greater control of review times and customer service. Finally, it should be noted that, under DEQ review, 100% of all stormwater fees would go to the state, whereas a local program would capture 72% of stormwater fees and keep those dollars circulating within the local community.

Staff has polled neighboring and peer jurisdictions as to whether they plan to opt-in or opt-out. The following reflects each locality's disposition as of this writing:

Opt-in: Establish a locally-administered stormwater management program

- Bedford County (scheduled to vote later this month; Board has indicated unanimous support for opt-in)
- Botetourt County (must adopt a local program as a designated MS-4 community)
- Campbell County (has not voted yet; staff has indicated that the county is inclined to opt-in)
- Montgomery County (must adopt local program as a designated MS-4 community)
- Roanoke County (adopted its new stormwater ordinance on April 8, 2014; required as an MS-4)

Opt-out: Rely on DEQ to administer stormwater management

- Craig County
- Floyd County

Undecided:

- Henry County
- Patrick County
- Pittsylvania County

RECOMMENDATION:

The Franklin County Board of Supervisors held a public hearing on February 18, 2014, to consider repeal of Chapter 7 (Erosion & Sediment Control) and adoption of a new Chapter 7 (Erosion & Sediment Control and Stormwater Management.) The Board continued the public hearing until its March 18, 2014, meeting. At its March meeting, the Board again continued the public hearing to await the results of pending state legislation regarding the "opt-out" option. The public hearing has been continued until April 15, 2014.

Staff recommends that the Board resume the public hearing and, upon satisfaction that the public has been heard, close the public hearing at its April 15, 2014 meeting.

Staff recommends that the Board approve the repeal of the existing Chapter 7, adopting in its place the proposed new Chapter 7: Erosion & Sediment Control and Stormwater Management.

<u>Chapter 7.</u> <u>Erosion and Sediment Control and Stormwater Management</u> <u>Article I. In General</u> Division 1. Authority

Sec. 7-1. Title of Article

Sec. 7-2. Purpose of Article Sec. 7-3. Authority of Article

Sec. 7-4. Local Control Program Established

Sec. 7-5. Geographic Applicability

Sec. 7-6. Severability Secs. 7-7 - 7-9. Reserved

Division 2. Administration

- Sec. 7-10. **Permits**
- Sec. 7-11. Fees
- Sec. 7-12. Reference Documents
- Secs. 7-13 7-14. Reserved

Division 3. Definitions

- Sec. 7-15. General Usage Terms
- Secs. 7-16 7-19. Reserved

Article II. **Erosion and Sediment Control**

- Sec. 7-20. **Exemptions**
- Sec. 7-21. Permit required for land disturbing activities
- Sec. 7-22. Erosion and Sediment Control Plan Required
- Sec. 7-23. **Erosion Impact Areas**
- Sec. 7-24. Submission and approval of Plans
- Sec. 7-25. Standards to be used in preparation and consideration
- Sec. 7-26. Responsibility of property owner when work is being done by a contractor
- Sec. 7-27. Approval or Disapproval
- Sec. 7-28. Variances
- Sec. 7-29. Sec. 7-30. Sec. 7-31. Changing an approved erosion and sediment control plan
- Reserved
- Performance Bond
- Sec. 7-32. Long term maintenance of permanent facilities
- Sec. 7-33. Closure of Erosion and Sediment Control Permit
- Sec. 7-34. Monitoring and Inspections
- Sec. 7-35. Enforcement
- Sec. 7-36. **Appeals**
- Secs. 7-37 7-39. Reserved

Article III. **Alternative Inspection Program**

- Sec. 7-40. Alternative Inspection Program
- Secs. 7-41 7-49. Reserved.

Article IV: Stormwater Management

- Sec. 7-50. Exemptions
- Sec. 7-51. Submission and Approval of Plans; Prohibitions
- Sec. 7-52. Stormwater Pollution Prevention Plan: Contents of Plans
- Sec. 7-53. Stormwater Management Plan: Contents of Plan
- Sec. 7-54. Pollution Prevention Plan: Contents of Plans
- Sec. 7-55. Review of Stormwater Management Plan
- Sec. 7-56. Technical Criteria for Regulating Land Disturbing Activity
- Sec. 7-57. Performance Bond
- Sec. 7-58. Long term maintenance of Permanent Stormwater Facilities
- Sec. 7-59. Closure of Land Disturbing Activities
- Sec. 7-60. Monitoring and Inspections
- Sec. 7-61. Enforcement - Violations of Article - Penalty, injunctive relief, civil relief
- Sec. 7-62. Appeals

ARTICLE I. - IN GENERAL Division 1 Authority

Sec. 7-1. Title of article.

This article shall be known as the "Erosion and Sediment Control and Stormwater Management Ordinance of Franklin County, Virginia."

Sec. 7-2. Purpose of article.

The purpose of this article is as follows:

1. Erosion and Sediment Control conserves the land, water, air and other natural resources of Franklin County and the State of Virginia and promotes the health, welfare and convenience of county residents by establishing requirements for the control of erosion and sedimentation and by establishing procedures by which these requirements can be administered and enforced.

2. Stormwater Management provides the framework for the administration, implementation and enforcement of the Virginia Stormwater Management Act (VA SWM) and to delineate the procedures and requirements to be followed in connection with state permits issued by a Virginia Stormwater Management Program (VSMP) Authority, while at the same time providing flexibility for innovative solutions to stormwater management issues.

Sec. 7-3. Authority for article.

This article is adopted pursuant to the following:

- 1. Code of Virginia, 1950, as amended, Title 62.1, 3.1, Chapter 3.1, Article 2.4 (§62.1-15:51et seq.), known as the "Erosion and Sediment Control Law."
- 2. Code of Virginia, 1950, as amended, Title 62.1, Chapter 3.1, Article 2.3 (§62.1-15:24 et seq.) known as the "Stormwater Management Law."
- 3. Virginia Administrative Code Chapter 840 Erosion and Sediment Control Regulations (9VAC25-840-10 et seq.)
- 4. Virginia Administrative Code Chapter 850 Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850-10 et seq.)
- 5. Virginia Administrative Code Chapter 870 Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870-10 et seq.)
- 6. Virginia Administrative Code Chapter 880 General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880-1 et seq.)

Such laws provide for a comprehensive statewide program, with standards and guidelines to control erosion and sedimentation and stormwater quantity and quality, which are implemented on a local level.

Sec. 7-4. Local control program established.

In accordance with the authority granted by the State of Virginia, Franklin County hereby establishes the following local control programs:

- 1. Effective March 18, 2014, a Virginia Erosion and Sediment Control Program for the effective control of soil erosion, sediment deposition and nonagricultural runoff which must be met to prevent the degradation of properties, stream channels, waters and other natural resources. Franklin County hereby adopts this article, any regulations promulgated by the Virginia State Water Control Board pursuant to the Code of Virginia, as amended; and the Virginia Erosion and Sediment Control Handbook as currently in effect and amended from time to time. Franklin County hereby designates the Department of Planning and Community Development as the Administrator of its Virginia Erosion and Sediment Control Program.
- 2. Effective July 1, 2014, a Virginia Stormwater Management Program (VSMP) for land-disturbing activities and adopts the applicable regulations that specify standards and specifications for VSMP's promulgated by the Virginia State Water Control Board pursuant to the Code of Virginia, as amended; and the Virginia Stormwater Management Handbook as currently in effect and amended from time to time. Franklin County hereby designates the Department of Planning and Community Development as the Administrator of its Virginia Stormwater Management Program.

Sec. 7-5. Geographic Applicability.

This chapter shall apply to any land-disturbing activity in Franklin County and the incorporated Towns of Boones Mill and Rocky Mount.

Sec. 7-6. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereto. The Franklin County Board of Supervisors hereby declares that it would have enacted this chapter and each section, subsection, sentence, clause, and phrases hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

Secs. 7-7 - 7-9. Reserved.

Sec. 7-10. Permits.

The following permits may be issued pursuant to this chapter:

- 1. Erosion and Sediment Control Permit.
- 2. Stormwater Management Permit.

Sec. 7-11. Fees.

- (A) There shall be a reasonable fee charged for the processing of erosion and sediment control permit applications. The permit application review fee shall be due at the time of initial submittal of the erosion and sediment control plan / agreement in lieu of plan.
- (B) The application review fee shall cover costs associated with the implementation of the VSECP related to land disturbing activities as listed on the Fee Schedule for Planning & Community Development, which can be obtained from the Department of Planning and Community Development. Incomplete payments will be deemed as non-payments.
- (C) There shall be a reasonable fee charged for the processing of stormwater management permit applications. The permit application review fee shall be due at the time of initial submittal of the stormwater management plan.
- (D) The application review fee shall cover costs associated with the implementation of the VSMP related to land disturbing activities as listed on the Fee Schedule for Planning & Community Development, which can be obtained from the Department of Planning and Community Development. Incomplete payments will be deemed as non-payments. Interests may be charged on late payments, as a 10% late payment fee may be applied to delinquent accounts.

Sec. 7-12. Reference Documents.

In administering this chapter, the local program authority may refer to any document, manual, handbook or guideline recognized by the state of Virginia related to Erosion and Sediment Control and/or Stormwater Management. In addition, the local program authority may develop and reference a local program manual to establish policies and procedures for program administration, plan review, inspections and enforcement related to this chapter.

Secs. 7-13 - 7-14. Reserved.

Division 3. Definitions

Sec . 7-15. General Usage Terms.

As used in this article, the following words and terms shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

- "Administrator" means the VESCP & VSMP Administrator, hereby designated as the Franklin County Department of Planning and Community Development.
- "Adequate channel" means a watercourse that will convey the designated frequency storm event without overtopping its banks or causing erosive damage to the bed, banks and overbank sections of the same.
- "Agreement in lieu of a plan" means a contract between the VESCP authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the VESCP authority in lieu of an erosion and sediment control plan.
- "Agreement in lieu of a stormwater management plan" means a contract between the VSMP authority and the owner or permitee that specifies the methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.
- "Applicant" means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.
- "Best management practice" or "BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both

structural and non-structural practices, to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

"Board or State Board" means the State Water Control Board

"Channel" means a natural stream or manmade waterway.

"Certification" means the process whereby the Board, on behalf of the Commonwealth, issues a certificate to persons who have completed board-approved training programs and met any additional eligibility requirements of 9VAC25-850-50) related to the specified classifications (9VAC25-850-40) within the areas of ESC or SWM or in other ways demonstrated adequate knowledge and experience in accordance with the eligibility requirements of 9VAC25-850-50 in the specified classifications within the areas of ESC or SWM.

"Certified combined administrator for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the Board in the combined ESC classifications of program administrator, plan reviewer, and project inspector in the area of ESC. "Certified combined administrator for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the board in the combined classifications of program administrator, plan reviewer, and project inspector in the area of SWM.

"Certified project inspector for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the Board in the classification of project inspector in the area of ESC.

"Certified project inspector for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the board in the classification of project inspector in the area of SWM.

"Certified plan reviewer for ESC" means an employee or agent of a VESCP authority who: (i) holds a certificate of competence from the Board in the classification of plan reviewer in the area of ESC; or (ii) is a professional registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia; or (iii) is a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

"Certified plan reviewer for SWM" means an employee or agent of a VSMP authority who (i) holds a certificate of competence from the Board in the classification of plan reviewer in the area of SWM, of (ii) is a professional registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

"Certified program administrator for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the Board in the classification of program administrator in the area of ESC.

"Certified program administrator for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the Board in the classification of program administrator in the area of SWM.

"Classification" refers to the four specific certificates of competence classifications within the areas of ESC or SWM that make up activities being performed (program administrator, plan reviewer, project inspector, and combined administrator).

"Combined administrator for ESC" means anyone who is responsible for performing the combined duties of a program administrator, plan reviewer and project inspector of a VESCP authority.

"Combined administrator for SWM" means anyone who is responsible for performing the combined duties of a program administrator, plan reviewer and project inspector of a VSMP authority.

"Clearing" means any activity which removes the vegetative ground cover including, but not limited to, root mat removal and/or topsoil removal.

"Clean Water Act" or "CWA" means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

"Common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules. The "plan" in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot. "Common plan of development or sale" does not include any residential, commercial, or industrial lot recorded in the Franklin County Clerk of the Circuit Court's office on or before July 1, 2004.

"Control measure" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

"County" means The County of Franklin.

"Denuded" means a term applied to land that has been physically disturbed and no longer supports vegetative cover.

"Department" means the Virginia Department of Environmental Quality.

"Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

"Director" means the Director of the Virginia Department of Environmental Quality.

"District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

"Dormant" refers to denuded land that is not actively being brought to a desired grade or condition.

"ESC" means erosion and sediment control.

"ESC Act" means the Erosion and Sediment Control Law, Article 4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

"Erosion and Sediment Control Plan" or "ESC plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan-approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives. All erosion and sediment control plans must be prepared by a professional registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia, or a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

"Erosion and Sediment Control Agreement". – An agreement authorized by the program administrator to be provided in lieu of a performance bond on single family home construction. See agreement in lieu of plans.

"Erosion Impact Area" An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

"Excavating" Any digging, scooping or other method of removing earth materials.

"Filling" Any depositing or stockpiling of earth materials.

"General permit" means the state permit titled general permit for discharges of stormwater from construction activities found Chapter 880 (9VAC25-880-1 et. seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

"Grading" Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

- "Land disturbance or Land disturbing activity" means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, or that potentially changes its runoff characteristics including, but not limited to, clearing, grading, and excavation, transporting and filling of land except that the term shall not include those exemptions specified elsewhere in this chapter.
- "Land Disturbing Activity Permit" See Permit for Land Disturbing Activity
- "Layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.
- "Licensed professional" or "professional registered in the Commonwealth of Virginia" means a person registered to engage in the practice of engineering, land surveying, or landscape architecture pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia, or a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.
- "Live watercourse" means a definite channel with bed and banks within which concentrated water flows continuously.
- "Local program manual" means a reference document developed by the local program authority to document policies and procedures for program administration, plan review, inspections or enforcement related to Erosion and Sediment Control and/or Stormwater Management.
- "Locality" means Franklin County, including the incorporated towns of Boones Mill and Rocky Mount.
- "Minor modification" means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.
- "Natural stream" means nontidal watercourses that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams. Channels designed utilizing natural design concepts may be considered natural streams.
- "Non-erodible" means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.
- "Operator" means the owner or operator of any facility or activity subject to regulation under this Ordinance.
- "Owner" The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.
- "Permit" or "VSMP Authority Permit" means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department where applicable.
- "Permit for Land Disturbing Activity" A permit issued by the county authorizing the applicant to undertake a land-disturbing activity in accordance with the provisions of the VESCP or VSMP programs.
- "Permittee" means the person to whom the permit authorizing the land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan and/or stormwater management plan will be followed.
- "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative,

county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

"Program administrator" means the person or persons responsible for administering and enforcing the VESCP or VSMP of a VESCP authority or a VSMP authority as may be applicable in the areas of ESC or SWM.

"Project inspector" means anyone who, as a representative of a VESCP authority or a VSMP authority, is responsible for periodically examining the ESC or SWM activities and premises of a land-disturbing activity for compliance with the ESC Act and Regulations or the SWM Act and Regulations as may be applicable.

"Plan approving authority" The Department of Planning and Community Development of Franklin County.

"Post-development" refers to conditions that may be reasonably expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

"Pre-development" refers to conditions that exist at the time the erosion and sediment control plan is submitted to the VESCP authority or plans for land development are submitted to the VSMP authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time the erosion and sediment control or land development plans for the initial phase is submitted for approval shall establish pre-development conditions.

"Program Authority" refers to Franklin County, Virginia.

"Regulations" include, but are not limited to, the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870 and 9VAC25-880, as amended; and the Virginia Erosion and Sediment Control Program (VESCP) Regulations 9VAC25-840, as amended.

"Responsible Land Disturber" or RLD, An individual from the project or development team who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved Erosion and Sediment Control Plan or an Erosion and Sediment Control Agreement, who (i) holds a responsible land disturber certificate of competence, or (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review, or (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is registered as a professional in the Commonwealth pursuant to Article 1 (Code of Virginia, § 54.1-400 et seq.) of Chapter 4 of Title 54.1, or (v) is a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

"Single-family residence" A noncommercial dwelling unit that is occupied exclusively by one family.

"Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channel ward of mean low water in tidal Virginia shall not be considered part of a site.

"Stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

"State" means the Commonwealth of Virginia.

"State Board" means the State Water Control Board.

"State Permit" means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

"State Water Control Law" means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

"State Erosion and Sediment Control Program or State Program." means the program administered by the Department of Environmental Quality pursuant to the state code including regulations designed to minimize erosion and sedimentation.

- "State Waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.
- "Surface Water" means all water, at or above the land's surface including, but not limited to springs, streams, rivers, lakes, ponds, wetlands, and artificially created water bodies.
- "Stormwater Detention" means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.
- "Stormwater Maintenance Facility" means a control measure that controls stormwater runoff and changes the characteristics of that runoff including but not limited to, the quantity and quality, the period of release or velocity of flow.
- "Stormwater Management Plan" or "SWM plan" means a document containing material describing methods for complying with the requirements of a VSMP and the SWM Act and its attendant regulations.
- "SWM" means stormwater management.
- "Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.
- "Stormwater Pollution Prevention Plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.
- "Total Maximum Daily Load" or "TMDL" means the sum of the individual waste load allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.
- "Town" An incorporated town.
- "Transporting" Any movement of earth material from one place to another, when such movement results in destroying the vegetative cover, either by tracking or the buildup of earth materials, to the extent that erosion and sedimentation will result from the area over which such transporting occurs.
- "Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in the ESC Act and this article, and evaluation consistent with the requirements of the ESC Act and this article.
- "Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means an authority approved by the board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.
- "Virginia Stormwater Management Act" or "SWM Act" means Article 2.3 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.
- "Virginia Stormwater BMP Clearinghouse website" means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the board after July 1, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in the SWM Act and associated regulations, and evaluation consistent with the requirements of the SWM Act and associated regulations.

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the board after July 1, 2013, to operate a Virginia Stormwater Management Program or, until such approval is given, the department. An authority may include a locality; state entity, including the department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31 of the Code of Virginia, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.

Secs. 7-16 - 7-19. Reserved.

Article II Erosion and Sediment Control

Sec. 7-20. Exemptions.

- (A) Except as provided herein, no person may engage in any land-disturbing activity until an erosion and sediment control permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (B) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
 - (1) Minor activities such as home gardens and individual home landscaping, repairs and maintenance work.
 - (2) Individual utility service connections.
 - (3) Installation, repair and maintenance of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced.
 - (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.
 - (5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1
 - (6) Tilling, planting, or harvesting of agricultural horticultural, or forest crops, or livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11(10.1-1100 er seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of 10.1-1163;
 - (7) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
 - (8) Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (10.1-604 et seq.) of Chapter 6, ditches, strip, cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
 - (9) Disturbed land areas of less than 3,000 square feet in size. See section 7-19 for clarification as to when a permit is required.
 - (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles.
 - (11) Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands

- boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and
- (12) Emergency work to protect life, limb or property and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the VESCP authority.

Sec. 7-21. Permit required for land-disturbing activities.

- (A) Except as otherwise provided in this article, no land disturbing activity shall commence prior to the issuance of an Erosion and Sediment Control permit by the Department of Planning and Community Development.
- (B) A Erosion and Sediment Control permit is required if:
 - (1) The area of land disturbance is ten thousand (10,000) square feet or greater; or
 - (2) The area of land disturbance is three thousand (3,000) square feet or greater, and the area of land disturbance is located within two hundred (200) feet of any surface water.
- (C) A Erosion and Sediment Control permit is not required if:
 - (1) The area of land disturbance is less than ten thousand (10,000) square feet, and such area is located more than two hundred (200) feet from any surface water; or
 - (2) The area of land disturbance is less than three thousand (3,000) square feet, and such area is located within two hundred (200) feet of any surface water.

Sec. 7-22. Erosion and Sediment Control Plan required.

- (A) Except as otherwise provided in this article, no erosion and sediment control permit for land-disturbing activity shall be issued without an approved Erosion and Sediment Control Plan.
- (B) An Agreement in lieu of may be substituted for an Erosion and Sediment Control Plan under the following conditions:
 - (1) The land-disturbing activity is associated with the construction of a single family residence that is not part of a common plan of development or sale; and
 - (2) The area of land disturbance is less than one (1) acre and
 - (3) No additional proffers or conditions are required as part of a rezoning or special use permit which require low impact development techniques.

Sec. 7-23. Erosion Impact Areas.

In order to prevent further erosion, the program administrator may identify any land, whether or not disturbed by the building process, as an erosion impact area as defined above and require an approved Erosion and Sediment Control plan and Erosion and Sediment Control permit.

Sec.7-24. Submission and approval requirements.

- (A) Except as otherwise specifically provided, no person shall engage in any land-disturbing activity until an erosion and sediment control plan has been submitted and approved by the county, and a permit has been issued by the program administrator.
- (B) Any person whose land-disturbing activity involves lands which extend into the jurisdiction of another local erosion and sediment control program may submit an erosion and sediment control plan to the Department of Environmental Quality for review and approval, rather than submission to each jurisdiction concerned. In such events, the applicant shall obtain permits for the land-disturbing activity from each jurisdiction.
- (C) No grading, land-disturbing activity, building or other permit shall be issued by the county for any work which involves land-disturbing activity for which permit is required unless the applicant submits with his application an Erosion and Sediment Control Plan

- for approval (unless otherwise exempted by this Ordinance), and certifies, after approval, that the Erosion and Sediment Control Plan will be followed.
- (D) Where the land-disturbing activity results from the construction or location of a single-family residence, an Agreement in lieu of plans may be substituted for an Erosion and Sediment Control Plan if executed by the plan approving authority.
- (E) Prior to the issuance of any permit for land-disturbing activity, the person responsible for carrying out the Erosion and Sediment Control Plan or agreement in lieu of plan shall provide the name of the responsible land disturber who will be in charge of and responsible for the projects land disturbance.
- (F) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Department of Environmental Quality for review and approval prior to performing work in Franklin County. The specifications shall apply to:
 - (1) Construction, installation or maintenance of electric, natural gas and telephone utility lines and pipelines; and
 - (2) Construction of the tracks, rights of way, bridges, communication facilities and other related structures and facilities of the railroad company.

Sec. 7-25. Standards to be used in preparation and consideration.

- (A) The most recent edition of the Virginia Erosion and Sediment Control Handbook and Virginia Erosion and Sediment Control Regulations and the Virginia Stormwater Management Handbook shall be available at the program administrators office as well as online and shall be used in preparing the Erosion and Sediment Control Plan required by this article. The county, in considering the adequacy of such Erosion and Sediment Control Plan, shall be guided by the standards set forth in state regulations, or otherwise included in the Virginia Erosion and Sediment Control Handbook, the Virginia Stormwater Management Handbook, or the local program manual.
- (B) In areas governed by American Electric Power's Smith Mountain Lake Shoreline Management Plan, shoreline rip-rap shall be installed according to the following specifications, and subject to AEP approval:
 - (1) Materials and design as part of an engineered plan, based on standards in the handbook and VDOT manual and approved by the county; or,
 - (2) In the case of separate individual residential lots involving five hundred (500) feet or less of shoreline, the following minimum materials and design standards may be used:
 - a. Stone—Class B erosion stone, VDOT Class I, or equivalent
 - b. Plastic filter cloth—Exxon GTF-400 Geotextile or equivalent.
 - c. Temporary and permanent seeding, fertilization, and mulching rates as specified by the Virginia Erosion and Sediment Control Handbook.
 - d. Maximum slope ratio for riprap area—2.5 to 1.
 - e. Minimum vertical face height—Thirty-six (36) inches above full pond level (795-foot contour) or to the prevailing cut line.
 - f. Terrace width (if needed at top of rip rap slope) shall have a minimum width of twelve (12) feet.
 - g. Terrace back slope ratio—Maximum 2:1.
 - h. Minimum thickness of rip rap layer—Twelve (12) inches.
- (C) All installation of materials shall be according to the VESC Handbook and manufacturers specifications.

Sec. 7-26. Responsibility of property owner when work is being done by a contractor.

Whenever a land-disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of the required Erosion and Sediment Control Plan shall be the responsibility of the owner of the land.

Sec. 7-27. Approval or disapproval.

- (A) Upon receipt of an erosion and sediment control plan submitted under this article, together with the required fees, the program administrator shall act on such erosion and sediment control plan within forty-five (45) days, by either approving the Erosion and Sediment Control Plan in writing or by disapproving the Erosion and Sediment Control Plan in writing and giving specific reasons for disapproval. The program administrator shall approve the Erosion and Sediment Control Plan if the Erosion and Sediment Control Plan meets the conservation standards of the county E&S program and if the person responsible for carrying out the Erosion and Sediment Control Plan certifies that he will properly perform the erosion and sediment control measures included in the Erosion and Sediment Control Plan and will comply with all provisions of this article. If a temporary sediment basin, a permanent stormwater detention basin or any other permanent feature is a part of the approved Erosion and Sediment Control Plan, this same person must designate, in writing the person who will be liable for necessary long-term maintenance on these structures.
- (B) If an Erosion and Sediment Control Plan is disapproved, the program administrator shall specify such modifications, terms and conditions as will permit approval of the Erosion and Sediment Control Plan and shall communicate such requirements to the permit applicant.
- (C) If no action is taken by the plan approving authority within the time specified in subsection (a) above, the Erosion and Sediment Control Plan shall be deemed approved and the program administrator shall issue the land-disturbing permit.
- (D) If action is taken by the plan approving authority within the time specified in subsection (a) above, and the Erosion and Sediment Control Plan is deemed disapproved, the applicant must resubmit within six (6) months following the date of disapproval, or the Erosion and Sediment Control Plan shall be deemed abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the applicant may resubmit the Erosion and Sediment Control Plan after the six (6) month period, however, the following shall apply:
 - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
 - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.
- (E) Should a land-disturbing activity not begin within 180 days following Erosion and Sediment Control Plan approval, or after the Erosion and Sediment Control Plan is ready for approval but the plan approval authority has not received the required performance bond, the plan will be considered abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the following shall apply:
 - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
 - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.
- (F) Should a land-disturbing activity cease for more than one hundred eighty (180) days, the plan approval authority may evaluate the existing approved Erosion and Sediment Control Plan to determine whether the Erosion and Sediment Control Plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. Should the plan approval authority determine the Erosion and Sediment Control Plan is no longer valid, the Erosion and Sediment Control Plan shall be deemed abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the following shall apply:
 - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
 - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.

The VESCP authority may waive or modify any of the minimum standards that are deemed inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under the following conditions:

- 1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the VESCP authority shall be documented in the plan.
- 2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the VESCP authority. The VESCP authority shall respond in writing either approving or disapproving such a request. If the VESCP authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.
- 3. The VESCP authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

Sec. 7-29. Changing an approved erosion and sediment control plan.

An Erosion and Sediment Control Plan that has been approved under this article may be changed by the program administrator in the following cases:

- 1. Where inspection has revealed that the Erosion and Sediment Control Plan is inadequate to satisfy applicable regulations.
- 2. Where the person responsible for carrying out the approved Erosion and Sediment Control Plan finds that because of changed circumstances or for other reasons the Erosion and Sediment Control Plan cannot be effectively carried out, and proposed amendments, consistent with the requirements of this article, are agreed to by the program administrator and the person responsible for carrying out the plan.

Sec. 7-30. Reserved.

Sec. 7-31. Performance Bond.

Except as otherwise provided in this article, no erosion and sediment control permit for landdisturbing activity shall be issued without the submittal and approval of a reasonable performance bond to secure the required erosion and sediment control measures. Such bond may take the form of surety, cash escrow, letter of credit, any combination thereof, or such legal arrangement acceptable to the program administrator. Such bond shall be held by the program authority. In the event that the applicant fails to initiate or maintain appropriate conservation actions which may be required of him by the approved Erosion and Sediment Control Plan, the county may utilize said bond to implement the appropriate conservation actions.

If the county takes such conservation action upon failure by the applicant or owner, the county may collect from the applicant or owner for the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within sixty (60) days of the achievement of adequate stabilization of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement or the unexpended or unobligated portion thereof, shall be refunded to the applicant or owner or terminated. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

For land-disturbing activities that are associated with the construction or location of a singlefamily residence, an Erosion and Sediment Control Agreement may be substituted for a performance bond to secure the required erosion and sediment control measures. The Erosion and Sediment Control Agreement shall include the following:

- 1. The title of the Erosion and Sediment Control Plan;
- 2. The name of the plan preparer;
- 3. The date the plan was prepared;4. The name and license number of the Responsible Land Disturber; and
- 5. The signature of the property owner.

Sec. 7-32. Long term maintenance of permanent facilities.

- (A) The Administrator shall require the provision of long-term responsibility for and maintenance of permanent Erosion and Sediment Control facilities. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
 - (1) Be submitted to the Administrator for review and approval prior to the approval of the Erosion and Sediment Control plan;
 - (2) Be stated to run with the land;
 - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
 - (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
 - (5) Be enforceable by all appropriate governmental parties.
- (B) At the discretion of the Administrator, such recorded instruments need not be required for Erosion and Sediment Control facilities designed to accommodate runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.

Sec. 7-33. Closure of Erosion and Sediment Control Permit.

Post-construction record documents, also known as "as-built" drawings, are required for all development projects that include permanent facilities for Erosion and Sediment Control. Such post-construction record documents shall be sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (54.1-400 et. seq.) of Chapter 4 of Title 54.1, and shall include language on the record documents certifying that the permanent facilities are in conformance with the approved Erosion and Sediment Control plan.

Sec. 7-34. Monitoring and Inspections.

- (A) The program administrator shall provide for periodic inspections of land-disturbing activity either through the district or through county personnel. The district may inspect, monitor and make reports to the county, but enforcement shall be the responsibility of the program administrator. The program administrator may require monitoring and reports from the person responsible for carrying out the ESC plan or Agreement in Lieu of plans to insure compliance with the approved plan and to determine whether the measures required in the approved plans are effective in controlling erosion and sediment. The owner, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors. Inspections shall be performed in accordance with the Virginia State Soil and Water Conservation Board's approved Alternative Inspection Program (AIP) for Franklin County, approved February 1, 2008. See Article III.
- (B) If the program administrator determines that there is a failure to comply with the ESC plan or Agreement in Lieu of plans, notice shall be served upon the permittee or person responsible for carrying out the ESC plan or Agreement in Lieu of plans by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery, to the site of the land-disturbing activities, to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the ESC Plan or Agreement in Lieu of plans and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the ESC Plan or Agreement in Lieu of plans shall be deemed to be in violation of this article, and upon conviction shall be subject to the penalties provided herein.
- (C) Upon receipt of a sworn complaint of a substantial violation of this article from a designated inspector of the county or the district, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in subsection (b) above, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken, or, if land-disturbing activities have commenced without an approved erosion and sediment control plan or Agreement in Lieu of plan, requiring that all of the land-disturbing

activities be stopped until an approved ESC plan- or Agreement in Lieu of plan, or any required permits are obtained. Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved ESC plan, or any required permits, such an order may be issued whether or not the alleged violator has been issued a notice to comply order. The order shall be served in the same manner as a notice to comply and shall remain in effect for seven (7) days from the date of service, pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court of Franklin County. Within seven (7) days from the service of the order, it shall be the responsibility of the owner to retain the services of a plan preparer to prepare and submit the required Erosion and Sediment Control Plan, and notify the program administrator that a plan preparer has been retained. Within this seven (7) day period temporary corrective measures shall be installed to prevent harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth. Such temporary corrective measures shall be maintained until an approved ESC plan and any required permits have been obtained. If the alleged violator has not obtained a plan preparer and/or installed the necessary temporary corrective measures within seven (7) days from the date of service of the order, the program administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved Erosion and Sediment Control Plan and any required permits have been obtained.

(D) The required Erosion and Sediment Control Plan shall be submitted within (30) thirty days from the date of service of the order, unless otherwise agreed to by the program administrator. If the alleged violator has not submitted the required erosion and sediment control plan within the time period authorized by the program administrator, the program administrator may issue an order to owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved erosion and sediment control plan and any required permits have been obtained.

Sec. 7-35. Enforcement.

- (A) A violation of any provision of this article shall be deemed a Class 1 misdemeanor.
- (B) The county, district, or board may apply to the Circuit Court of Franklin County for injunctive relief to enjoin a violation or a threatened violation of the article, without the necessity of showing that there is not an adequate remedy at law. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation.

(C) Civil penalties:

- 1. A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:
- 2. Commencement of a land-disturbing activity without an approved land-disturbing permit shall be not less than \$100.00/day and no more than (\$1,000.00)/day.
- 3. Failure to comply with the vegetative measures, structural measures, watercourse measures or underground utility measures of the minimum standards found in the Virginia Erosion and Sediment Control Handbook shall be up to one hundred dollars (\$100.00)/violation/day.
- 4. Failure to obey a stop work order shall be up to one hundred dollars (\$100.00)/day.
- 5. Failure to stop work when a permit is revoked shall be up to one thousand dollars (\$1,000.00)/day.
- (D) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00), except that a series of violations arising from commencement of land-disturbing activities without an approved Erosion and Sediment Control Plan or an approved Erosion and Sediment Control Agreement for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall

- preclude the prosecution of such violation as a misdemeanor under subsection (a) of (§ 62.1-44.15:54).
- (E) Individuals who hold a Responsible Land Disturber Certification as issued by the State Water Control Board and administered by the Virginia Department of Environmental Quality (DEQ) are hereby considered to be the person responsible for carrying out the plan and upon repeated violations, will be reported to DEQ for revocation of their certification. A Responsible Land Disturber is also accountable for any and all sanctions included in this article and is subject to the same penalties as the owner of the property.
- (F) Any civil penalties assessed by the court shall be paid into the treasury of Franklin County, except that where the violator is the county itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- (G) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the program administrator, or any condition of a permit or any provision of this article, the administrator may provide, in an order issued by the program administrator against such persons, for the payment of civil charges for violations in specific sums not to exceed the limit specified in paragraph (B) of this section. Such civil charges shall be in lieu of any appropriate civil penalty which could be imposed under paragraphs (B) and (C).
- (H) Except when land disturbance requiring a permit has begun without a permit, or when in the opinion of the administrator, conditions pose an imminent danger to life, limb, property, or to the waters of the commonwealth, this article shall be enforced as follows:
 - 1. Issue a field correction notice listing the violations noted during inspection and the required corrective action.
 - 2. Send a notice to comply by certified mail, return receipt required, identifying the violations noted in the correction letter which have not yet been corrected and allowing ten (10) days after the receipt of the notice for the implementation of the corrective actions.
 - 3. Issue a stop work order by certified mail, return receipt required; requiring that all work on the site should be stopped until the corrective measures noted in the notice to comply are implemented. A maximum period of seven (7) days after the receipt of the order shall be allowed to correct the violations. In addition, the land-disturbing permit may be revoked during this period until the corrective actions are taken. Should this permit be revoked, all construction work on the site shall be stopped. Upon the completion of the corrective actions, the stop work order is rescinded and the permit is reinstated.
 - 4. Imposition of criminal or civil penalties. Either, but not both, of these penalties may be imposed if the seven-day period in the stop work order passes without the implementation of necessary corrective actions. The time frame for computing the number of days in violation shall not begin until the seven (7) days allowed for corrective action has expired unless work was not stopped as ordered.
 - 5. Such orders shall be issued in accordance with the Stormwater Management and Erosion Control Manual.

Sec. 7-36. Appeals.

Final decisions of the program administrator under this article shall be subject to review by the Franklin County Board of Supervisors, provided an appeal is filed within thirty (30) days from any written decision by the program administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Final decisions of the board of supervisors under this article shall be subject to review by Circuit Court of Franklin County, provided an appeal is filed within thirty (30) days from the date of any written decision by the Franklin County Board of Supervisors which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Secs. 7-37 - 7-39. Reserved.

Sec. 7-40. Alternative Inspection Program.

PURPOSE: The alternative inspection program described herein for the County of Franklin is designed to provide the oversight of urban land-disturbing activities by effectively utilizing local staff to meet specific urbanization trends while addressing specific environmental conditions within the locality.

AUTHORIZATION: 62.1-44.15:52 of Title 62.1, Chapter 3.1Article 2.4 of the Code of Virginia and 9VAC25 840-60 of the Erosion and Sediment Control Regulations.

POLICY: To most effectively utilize local staff and protect the resources of the County of Franklin and the Commonwealth, the County of Franklin will implement an alternative inspection program based on a system of priorities. The system of priorities will be based upon the amount of disturbed project area, site conditions, stages of construction, and site conditions noted on previous inspections.

IMPLEMENTATION:

- 1. The erosion and offsite environmental impact potential of regulated projects shall be determined by an evaluation of the topography soil characteristics, acreage disturbed, proximity to water resources, and proximity to adjacent property lines.
- 2. After plan review and a site visit, the plan reviewer and the program administrator will assign a classification number to the project.
- 3. Classification numbers will be assigned to projects which address site specific erosion potential and offsite environmental impact. These classification numbers will be used to determine the frequency of inspections. The classification numbers will range from one to three, one (1) requiring a less frequent inspection schedule and three (3) requiring a more frequent inspection schedule.
- 4. The classification of a project may be adjusted to a higher or lower classification by the program administrator based upon complaints, violations, inspections, and stages of construction.
- 5. The classification number shall be included on the approved plan, written on the file folder, written on the building permit application, and made a part of the project database.

BASIS FOR CLASSIFICATION: Project classifications shall be assigned to projects based on a preliminary site visit, plan review, and utilizing the Tabular Rating System:

CLASS 1 (LOW)	Projects typically with total acres disturbed under two acres; greater than 150 foot buffer between disturbed area and any property lines, water resources, or public streets; slopes are 0-7 percent and less than or equal to 300 feet; weighted soil K-factor is less than .23 within the limits of disturbance.
CLASS 2 (MED)	Projects typically with total acres disturbed under two acres; disturbed area is 50 feet to 150 feet from any property lines, water resources, or public streets; slopes are 7-15 percent and less than or equal to 150 feet; weighted soil K-factor is between .23 and .36 within the limits of disturbance.
CLASS 3 (HIGH)	Projects typically with total acres disturbed over two acres; disturbed area is less than 50 feet from any property lines, water resources, or public streets; slopes are greater than 15 percent and less than or equal to 75 feet; weighted soil K-factor is greater than .36 within the limits of disturbance.

FREQUENCY OF INSPECTIONS:

1. All permitted land-disturbing activities will be inspected at a minimum frequency according to the following schedule:

CLASS 1	At the beginning and completion of the project and every eight weeks.
CLASS 2	At the beginning and completion of the project and at least every five weeks.
CLASS 3	At the beginning and completion of the project and at least every two weeks.

- 2. All inspections will be documented on an inspection log maintained as a part of each project file. Project owners will receive copies of inspection reports with noted violations.
- 3. Inspection return frequency is not limited to the above schedule and will increase in frequency due to runoff producing storm events or documented violations.

TABULAR RATING SYSTEM - EROSION AND SEDIMENT CONTROL FRANKLIN COUNTY, VIRGINIA

TOTAL DISTURBED	CHECK	RATING	DISTANCE TO	CHECK	RATING
ACREAGE			WATERCOURSE		
Less than ½ acre		0	0—50 feet		5
½ acre to one acre		3	50—100 feet		3
1 to 2 acres		5	150—300 feet		1
>2 acres- Must inspect every two weeks			Greater than 300 feet		0
(High Priority)					
Soil Erodibility (base on K-Factor)			Distance—Downstream Adjacent Property		
Low (0.23 and lower)		1	Less than 50 feet		5
Moderate (0.24—.036)		3	50 feet to 150 feet		3
High (.037 and higher)		5	Greater than 150 feet		1
Buffer Vegetation Condition			Width of Buffer		
Very Good (Dense, grass, hayfield)		0	0—50 feet		5
Good (Avg. grass, forest good pasture		1	50—150 feet		3
Fair (poor grass, fair pasture)		3	150—300 feet		1
Poor (Bare soil, pavement)		5	Greater than 300 feet		0

Critical Slope			Crossing Water Course		
Does the slope meet or exceed the following criteria			Yes—inspect every two weeks (High Priority)		
Grade of slope—0—7%, slope length>300 feet OR			No		0
Grade of slope—7—15%, slope length>150 feet OR					
Grade of slope—15%, slope length>75 feet					
If yes to any of these slope conditions, rating 3 If no, rating 0					
OVERALL RATING	INS	L SPECTION	I RETURN FREQUENCY		
(TOTAL OF THE ABOVE CATEGORIES)					
If is 26-33 the	en		_Once every two (2) weeks		
If is 20-26 the	en		_Once every five (5) weeks		
If is 13-19 the	en		_Once every eight (8) weeks		
If is 12 or less then	S		_Frequency based on criteria	a below	
Note: Inspection return frequency due to run-off produill be performed at the begin	lucing st	torm event	s or documented violations. A	Also, an ii	
Project Name:		-		_	

Secs. 7-41 - 7-49. Reserved.

Article IV. Stormwater Management

Sec. 7-50. Exemptions

- (A) Except as provided herein, no person may engage in any land-disturbing activity until a Virginia Stormwater Management Program or VSMP authority permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (B) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
 - Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
 - Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
 - (3) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures.
 - (4) Land disturbing activities that disturb less than one acre of land area except for activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance
 - (5) Discharges to a sanitary sewer or a combined sewer system;
 - (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
 - (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and
 - (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

Sec. 7-51. Submission and Approval of Plans; Prohibitions.

- (A) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:
 - (1) A permit application that includes a general permit registration statement;
 - (2) An Erosion and Sediment Control Plan approved in accordance with the Franklin County Erosion and Sediment Control Ordinance Section 7-23, and;
 - (3) A Stormwater Management Plan that meets the requirements of Section 7-50 of this Ordinance.

- (B) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.
- (C) No VSMP authority permit shall be issued until the appropriate fees have been paid and a performance bond has been submitted and approved.
- (D) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing; construction, disturbance, land development and drainage will be done according to the approved permit.
- (E) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator unless otherwise exempted by this ordinance.

Sec. 7-52. Stormwater Pollution Prevention Plan; Contents of Plans.

- (A) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Chapter 880 General Permit for Discharges of Stormwater from Construction Activities 9VAC25-880-1 et seq.
- (B) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
- (C) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

Sec. 7-53. Stormwater Management Plan; Contents of Plan.

- (A) The Stormwater Management Plan, required in Section 7-48 of this Ordinance, must apply the stormwater management technical criteria set forth in Section 7-53 of this Ordinance to the entire land-disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff, and include the following information including but not limited to any additional information as required by the VSMP Permit Regulations (9VAC25-870-55) and the Stormwater Management and Erosion Control Manual:
 - (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and post development drainage areas;
 - (2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
 - (3) A narrative that includes a description of current site conditions and final site conditions;
 - (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
 - (5) Information on the proposed stormwater management facilities, including but not limited to:
 - (a) The type of facilities;

- (b) Location, including geographic or state plain coordinates;
- (c) Acres treated, and;
- (d) The surface waters or karst features, if present, into which the facility will discharge.
- (6) Hydrologic and hydraulic computations, including runoff characteristics;
- (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 30-45 of this Ordinance and the Stormwater Management and Erosion Control Manual.
- (8) A map or maps of the site that depicts the topography of the site and includes at a minimum:
 - (a) All contributing drainage areas;
 - (b) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - (c) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - (d) Current land use including existing structures, roads, and locations of known utilities and easements:
 - (e) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - (f) The limits of clearing and grading, and the proposed drainage patterns on the site;
 - (g) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - (h) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- (B) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 7-53 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia.
- (C) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- (D) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator except for stormwater management facilities for which maintenance agreements are not required pursuant to Section 7-31. The construction record drawing shall be appropriately sealed and signed by a licensed professional registered in the Commonwealth of Virginia, pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

Sec. 7-54. Pollution Prevention Plan; Contents of Plans.

- (A) Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21 (d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
 - (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a

- sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
- (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
- (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (B) The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450 21 (e):
 - (1) Wastewater from washout of concrete, unless managed by an appropriate control;
 - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, and;
 - (4) Soaps or solvents used in vehicle and equipment washing.
- (C) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR 45.21 (c).

Sec. 7-55. Review of Stormwater Management Plan.

- (A) The Administrator or any duly authorized agent of the Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:
 - (1) The Administrator shall determine the completeness of a plan in accordance with Section 7-50 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
 - (2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
 - (3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
 - (4) For plans not approved by the Administrator, all return comments shall be addressed by the applicant within 90 calendar days. Plans that are not resubmitted within this time period will be subject to a new application fee and review for current regulations.
 - (5) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance and the Stormwater Management and Erosion Control Manual.
 - (6) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.

- (B) Approved stormwater plans may be modified as follows:
 - (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
 - (2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.
- (C) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 7-55 (B)

Sec. 7-56. Technical Criteria for Regulated Land Disturbing Activities.

- (A) All land-disturbing activities shall comply with the technical criteria outlined in the Stormwater Management and Erosion and Control Plan Manual, latest edition.
- (B) Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by Franklin County as being equivalent thereto, was approved by the Franklin County prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered by the Administrator and shall not be subject to the technical criteria of Part II B [of the Regulations], but shall be subject to the technical criteria of Part II C [of the Regulations] for those areas that were included in the approval, provided that the Administrator finds that such proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Locality as being equivalent thereto, (i) provides for a layout and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C. In the event that the Localityapproved document is subsequently modified or amended in a manner such that there is no increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.
 - (1) Until June 30, 2019, for local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Department has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by Franklin County and shall not be subject to the technical requirements of Part II B of the Regulations, but shall be subject to the technical requirements of Part II C of the Regulations for those areas that were included in the approval.
 - (2) For land-disturbing activities grandfathered under this Subsection, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of Part II B.
- (C) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part IIC of the Regulations.
- (D) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.

- (1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit or required state permits shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director except where allowed under Part II C of the regulations.
- (2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.
- (E) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.

Sec. 7-57. Performance Bond.

Prior to issuance of any permit, the Applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, insurance bond or any combination thereof, or such other legal arrangement acceptable to the county attorney, to ensure that measures could be taken by the County of Franklin at the Applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the County of Franklin takes such action upon such failure by the Applicant, the Locality may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, insurance bond or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

Sec. 7-58. Long-term Maintenance of Permanent Stormwater Facilities.

- (A) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
 - (1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
 - (2) Be stated to run with the land;
 - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
 - (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
 - (5) Be enforceable by all appropriate governmental parties.
- (B) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.
- (C) If a recorded instrument is not required pursuant to Subsection 7-55 (B), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator

Post-construction record documents, also known as "as-built" drawings, are required for all development projects that include permanent facilities for Stormwater Management. Such post-construction record documents shall be sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (54.1-400 et. seq.) of Chapter 4 of Title 54.1, and shall include language on the record documents certifying that the permanent facilities are in conformance with the approved Stormwater Management plan.

Sec. 7-60. Monitoring and Inspections.

- (A) The Administrator or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:
 - (1) Compliance with the approved erosion and sediment control plan;
 - (2) Compliance with the approved stormwater management plan;
 - (3) Development, updating, and implementation of a stormwater pollution prevention plan; and
 - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (B) The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.
- (C) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (D) Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.
- (E) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly authorized agent of the Administrator pursuant to the Locality's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 7-55.

Sec. 7-61. Enforcement.

- (A) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.
 - (1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.

- (2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.
- (B) Such orders shall be issued in accordance with the Stormwater Management and Erosion Control Manual. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all landdisturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 7-58(C).
- (C) In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the Stormwater Management and Erosion Control Manual.
- (D) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in Franklin County Circuit Court by the Locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- (E) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
 - (1) Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:
 - (a) No state permit registration;
 - (b) No SWPPP;
 - (c) Incomplete SWPPP;
 - (d) SWPPP not available for review;
 - (e) No approved erosion and sediment control plan;
 - (f) Failure to install stormwater BMPs or erosion and sediment controls;
 - (g) Stormwater BMPs or erosion and sediment controls improperly installed or maintained:
 - (h) Operational deficiencies;
 - (i) Failure to conduct required inspections;
 - (j) Incomplete, improper, or missed inspections; and
 - (k) Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit.
 - (2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
 - (3) In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

- (4) Any civil penalties assessed by a court as a result of a summons issued by Franklin County shall be paid into the treasury of the Franklin County to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.
- (F) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

Sec. 7-62. Appeals.

Final decisions of the program administrator under this article shall be subject to review by the Franklin County Board of Supervisors, provided an appeal is filed within thirty (30) days from any written decision by the program administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Final decisions of the board of supervisors under this article shall be subject to review by Circuit Court of Franklin County, provided an appeal is filed within thirty (30) days from the date of any written decision by the Franklin County Board of Supervisors which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

General discussion ensued, whereby any decision would be considered during the evening public hearing session.

AGRICULTURAL FEED LOTS/REFERRED TO PLANNING COMMISSION

Planning staff briefed the Board as to some recent interest in possibly amending the County's Zoning ordinance with respect to agricultural feed lots within the A-1 zoning districts. By consensus, the Board referred this matter to the Planning Commission.

RED TRUCK EVENT CENTER 2014 SPECIAL ENTERTAINMENT APPLICATION

Adam Ritchie, presented his request for the Red Truck Event Center 2014 Special Entertainment Application.

Franklin County has received a request by the Red Truck Events Center, represented by Mr. Adam Ritchie, to hold a series of outdoor events on a 68-acre property located at the intersection of Hopkins Road and Coles Creek Road, further identified as Franklin County Tax Map/Parcel #62-16, #62-24.4, and #62-25.1. The property is owned by W&H Enterprises, Inc. of Roanoke. Mr. Ritchie has an agreement to lease the property. The property is located in a non-zoned area in the Blackwater District of Franklin County.

Mr. Ritchie is requesting approval from the Board of Supervisors to hold outdoor events consisting of games (billed as the "Hillbilly Olympics"), a 5-kilometer run, motorcycle/ATV trail riding, and live music, on the following dates:

- Saturday, May 10, 2014
- Saturday, May 17, 2014
- Saturday, September 13, 2014

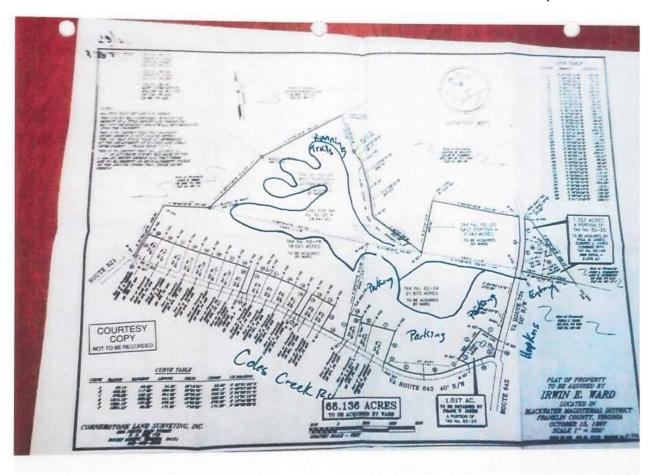
Chapter 3, Article III of the Franklin County Code sets forth the requirements for "Outdoor Musical or Entertainment Festivals." Outdoor music or entertainment festivals are defined as:

...any gathering or group of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces and not within an enclosed structure and either admission is charged or refreshments or other concessions are sold.

Under the provisions of Chapter 3, Article III, such events require a permit to be issued by the Board of Supervisors. In addition, the event(s) must be planned and conducted in accordance with a series of regulations and standards related to traffic, safety, sanitation,

crowd control, etc. Mr. Ritchie has submitted an application which has been routed to various County agencies to review for compliance.

As of this writing, staff is satisfied that the events have been planned in accordance with ordinance standards. Staff will continue to monitor the site and events for compliance.



(RESOLUTION #03-04-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to approve permit with a required \$10,000 bond.

MOTION BY: Bob Camicia
SECONDED BY: Leland Mitchell
VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

COUNTYEMPLOYEE HEALTH INSURANCE UPDATE

Amy Post, Wells Fargo Insurance Representative, shared with the Board the following PowerPoint as an update on the County Health Insurance..



Franklin County

Renewal Analysis- Revised 5 Tier

Presented By: Kerry N. Smith, CEBS, SPHR Vice President

Sarah M. Johnson Benefits Account Executive

Melissa Wahlberg Benefits Account Representative



Executive Summary

- The original Coventry renewal called for an 18% increase. Wells Fargo Insurance negotiated it down to a 14.5% (4.5% due to ACA fees) before it was released to Franklin.
- After providing preliminary options, we went back to Coventry and got the renewal on the current options reduced further to a 7.7% increase before ACA fees and 12.2% increase overall.
- The ACA Fees projected and included in this renewal for 695 members (employees and dependents) is \$158,710 annually, which equates to 37% of the total increase.
- Wells Fargo has negotiated an overall savings of \$187,497 from the initial renewal preparation on the current options.

Wells Fargo Employee Benefits Consulting

Proposed Benefit Changes for FY'14-15

- Initiate Spousal Exclusion- This means that an employee could not cover his/her spouse if that spouse has coverage through an employer. This recommendation is made since spouses generally have higher utilization than employees to hedge against future increases.
- Include Employee plus children tier- Currently, if an employee wants to
 just cover him or herself and multiple children then they pay for
 "Family" coverage. Adding this tier of coverage will allow more
 flexibility.
- Change the funding for dental coverage by reducing or eliminating the contribution and use that money for the medical contribution.
- Plans would remain on a calendar year deductible plan year, as they currently are (Deductibles NOT reset until January 1st, 2015).

Wells Fargo Employee Benefits Consulting

Monthly Employee Increase Summary Chart

POS 25/500	Option 1 \$94K	Option 2 \$94K + \$56K Dental	Option 3 \$94K + \$156K Dental
EE Only	\$40.46	\$40.46	\$10.14
EE + Child	\$91.86	\$91.86	\$54.64
EE + Spouse	\$146.19	\$146.19	\$92.84
EE + Children	\$25.82	\$25.82	(\$26.29)
EE + Family	\$268.43	\$268.43	\$189.03
	Option 1	Option 2	Option 3
		\$94K + \$56K	\$94K + \$156K
POS 30/1,000	\$94K	Dental	Dental
EE Only	\$3.79	\$3.79	\$0.00
EE + Child	\$44.71	\$25.24	\$11.23
EE + Spouse	\$75.56	\$53.24	\$27.57
EE + Children	(\$18.65)	(\$40.45)	(\$65.52)
EE + Family	\$152.65	\$111.12	\$81.22

	Option 1	Option 2	Option 3
POS 30/1,000	\$94K	\$94K + \$56K Dental	\$94K + \$156K Dental
EE + Family	\$152.65	\$111.12	\$81.22

Wells Fargo Employee Benefits Consulting

Option 1

No Plan changes & Employer Annual Amount increased by \$94,000

							Employer Cont	ributions		Changes in Co	st
	Current Rates	Enr	Rates		Monthly						
POS 25/500	POS 25/500			EE	ER	Total	EE	ER	Total		
EE Only	\$520.64	45	\$551.38	\$165.41	\$385.97	\$551.38	\$40.46	(\$9.72)	\$30.74		
EE + Child	\$796.57	9	\$827.07	\$330.83	\$496.24	\$827.07	\$91.86	(\$61.36)	\$30.50		
EE + Spouse	\$1,093.34	24	\$1,185.47	\$474.19	\$711.28	\$1,185.47	\$146.19	(\$54.06)	\$92.13		
EE + Children	\$1,457.79	2	\$1,157.90	\$463.16	\$694.74	\$1,157.90	\$25.82	(\$325.71)	(\$299.89)		
EE + Family	\$1,457.79	16	\$1,764.43	\$705.77	\$1,058.66	\$1,764.43	\$268.43	\$38.21	\$306.64		
			\$91,253.69	\$34,020.27	\$57,233.42	\$91,253.69					
POS 30/1,000	POS 30/1,000										
EE Only	\$493.81	61	\$519.08	\$77.86	\$441.22	\$519.08	\$3.79	\$21.48	\$25.27		
EE + Child	\$755.52	14	\$778.63	\$233.59	\$545.04	\$778.63	\$44.71	(\$21.60)	\$23.11		
EE + Spouse	\$1,037.00	33	\$1,116.02	\$334.81	\$781.21	\$1,116.02	\$75.56	\$3.46	\$79.02		
EE + Children	\$1,382.68	6	\$1,090.07	\$327.02	\$763.05	\$1,090.07	(\$18.65)	(\$273.96)	(\$292.61)		
EE + Family	\$1,382.68	85	\$1,661.06	\$498.32	\$1,162.74	\$1,661.06	\$152.65	\$125.73	\$278.38		
			\$227,123.88	\$63,387.58	\$163,736	\$227,123.88					
Monthly Costs		295	\$318,378	\$97,408	\$220,970	\$318,378					
Annual Costs			\$3,820,531	\$1,168,894	\$2,651,637	\$3,820,531					
			, ,	Total Annual ER	. , ,						
				Cost/EE		\$ 8,989					

Employer Contribution Strategy	Current	Renewal
POS 30/1000 ER contribution %- employee only tier	85%	85%
POS 30/1000 ER contribution %- dependent cost	75%	70%
POS 25/500 ER contribution %- employee only tier	76%	70%
POS 25/500 ER contribution %-dependent cost	70%	60%

- \bullet Employer contribution decreases with a continuing shift to dependent plans. \bullet \$94K employer contribution increase.

Wells Fargo Employee Benefits Consulting

Option 2

No Plan Changes & Increase of \$150,000

				Employee a	nd Employer Co	ntributions		Changes in Cost	
	Current Rates	Enr	Rates			Mor	ithly		
POS 25/500	POS 25/500			EE	ER	Total	EE	ER	Total
EE Only	\$520.64	45	\$551.38	\$165.41	\$385.97	\$551.38	\$40.46	(\$9.72)	\$30.74
EE + Child	\$796.57	9	\$827.07	\$330.83	\$496.24	\$827.07	\$91.86	(\$61.36)	\$30.50
EE + Spouse	\$1,093.34	24	\$1,185.47	\$474.19	\$711.28	\$1,185.47	\$146.19	(\$54.06)	\$92.13
EE + Children	\$1,457.79	2	\$1,157.90	\$463.16	\$694.74	\$1,157.90	\$25.82	(\$325.71)	(\$299.89)
EE + Family	\$1,457.79	16	\$1,764.43	\$705.77	\$1,058.66	\$1,764.43	\$268.43	\$38.21	\$306.64
			\$91,253.69	\$34,020.27	\$57,233.42	\$91,253.69			
POS 30/1,000	POS 30/1,000								
EE Only	\$493.81	61	\$519.08	\$77.86	\$441.22	\$519.08	\$3.79	\$21.48	\$25.27
EE + Child	\$755.52	14	\$778.63	\$214.12	\$564.51	\$778.63	\$25.24	(\$2.13)	\$23.11
EE + Spouse	\$1,037.00	33	\$1,116.02	\$312.49	\$803.53	\$1,116.02	\$53.24	\$25.78	\$79.02
EE + Children	\$1,382.68	6	\$1,090.07	\$305.22	\$784.85	\$1,090.07	(\$40.45)	(\$252.16)	(\$292.61)
EE + Family	\$1,382.68	85	\$1,661.06	\$456.79	\$1,204.27	\$1,661.06	\$111.12	\$167.26	\$278.38
			\$227,123.88	\$58,717.93	\$168,406	\$227,123.88			
Monthly Costs		295	\$318,378	\$92,738	\$225,639	\$318,378			
Annual Costs			\$3,820,531	\$1,112,858	\$2,707,673	\$3,820,531			

Contribution Strategy	Current	Renewal
POS 30/1000 ER contribution %- employee only tier	85%	85%
POS 30/1000 ER contribution %- dependent cost	75%	72%
POS 25/500 ER contribution %- employee only tier	76%	70%
POS 25/500 ER contribution %- dependent cost	70%	60%

- $\label{lem:contribution} \mbox{\bulletEmployer contribution decreases with a continuing shift to dependent plans.} \\ \mbox{$\bullet$$150K employer contribution could occur by shifting $56K from county employer dental plan}$ contribution to health insurance with balance of \$94K employer contribution increase.

Wells Fargo Employee Benefits Consulting

Option 2

No Plan Changes & Increase of \$150,000

				Employee a	nd Employer Co	ntributions		Changes in Cost	
	Current Rates	Enr	Rates			Mor	ithly		
POS 25/500	POS 25/500			EE	ER	Total	EE	ER	Total
EE Only	\$520.64	45	\$551.38	\$165.41	\$385.97	\$551.38	\$40.46	(\$9.72)	\$30.74
EE + Child	\$796.57	9	\$827.07	\$330.83	\$496.24	\$827.07	\$91.86	(\$61.36)	\$30.50
EE + Spouse	\$1,093.34	24	\$1,185.47	\$474.19	\$711.28	\$1,185.47	\$146.19	(\$54.06)	\$92.13
EE + Children	\$1,457.79	2	\$1,157.90	\$463.16	\$694.74	\$1,157.90	\$25.82	(\$325.71)	(\$299.89)
EE + Family	\$1,457.79	16	\$1,764.43	\$705.77	\$1,058.66	\$1,764.43	\$268.43	\$38.21	\$306.64
			\$91,253.69	\$34,020.27	\$57,233.42	\$91,253.69			
POS 30/1,000	POS 30/1,000								
EE Only	\$493.81	61	\$519.08	\$77.86	\$441.22	\$519.08	\$3.79	\$21.48	\$25.27
EE + Child	\$755.52	14	\$778.63	\$214.12	\$564.51	\$778.63	\$25.24	(\$2.13)	\$23.11
EE + Spouse	\$1,037.00	33	\$1,116.02	\$312.49	\$803.53	\$1,116.02	\$53.24	\$25.78	\$79.02
EE + Children	\$1,382.68	6	\$1,090.07	\$305.22	\$784.85	\$1,090.07	(\$40.45)	(\$252.16)	(\$292.61)
EE + Family	\$1,382.68	85	\$1,661.06	\$456.79	\$1,204.27	\$1,661.06	\$111.12	\$167.26	\$278.38
			\$227,123.88	\$58,717.93	\$168,406	\$227,123.88			
Monthly Costs		295	\$318,378	\$92,738	\$225,639	\$318,378			
Annual Costs			\$3,820,531	\$1.112.858	\$2,707,673	\$3.820.531			

Contribution Strategy	Current	Renewal
POS 30/1000 ER contribution %- employee only tier	85%	85%
POS 30/1000 ER contribution %- dependent cost	75%	72%
POS 25/500 ER contribution %- employee only tier	76%	70%
POS 25/500 ER contribution %- dependent cost	70%	60%

- $\label{eq:contribution} \bullet \text{Employer contribution decreases with a continuing shift to dependent plans.} \\ \bullet \$150K \text{ employer contribution could occur by shifting $56K from county employer dental plan contribution to health insurance with balance of $94K employer contribution increase.}$

Wells Fargo Employee Benefits Consulting

Option 3

No Plan Changes & Increase of \$250,000

				Employee a	nd Employer Co.	ntributions		Changes in Cost	
	Current Rates Enr Rates Monthly								
POS 25/500	POS 25/500			EE	ER	Total	EE	ER	Total
EE Only	\$520.64	45	\$551.38	\$135.09	\$416.29	\$551.38	\$10.14	\$20.60	\$30.74
EE + Child	\$796.57	9	\$827.07	\$293.61	\$533.46	\$827.07	\$54.64	(\$24.14)	\$30.50
EE + Spouse	\$1,093.34	24	\$1,185.47	\$420.84	\$764.63	\$1,185.47	\$92.84	(\$0.71)	\$92.13
EE + Children	\$1,457.79	2	\$1,157.90	\$411.05	\$746.85	\$1,157.90	(\$26.29)	(\$273.60)	(\$299.89)
EE + Family	\$1,457.79	16	\$1,764.43	\$626.37	\$1,138.06	\$1,764.43	\$189.03	\$117.61	\$306.64
			\$91,253.69	\$29,665.75	\$61,587.94	\$91,253.69			
POS 30/1,000	POS 30/1,000								
EE Only	\$493.81	61	\$519.08	\$74.07	\$445.01	\$519.08	\$0.00	\$25.27	\$25.27
EE + Child	\$755.52	14	\$778.63	\$200.11	\$578.52	\$778.63	\$11.23	\$11.88	\$23.11
EE + Spouse	\$1,037.00	33	\$1,116.02	\$286.82	\$829.20	\$1,116.02	\$27.57	\$51.45	\$79.02
EE + Children	\$1,382.68	6	\$1,090.07	\$280.15	\$809.92	\$1,090.07	(\$65.52)	(\$227.09)	(\$292.61)
EE + Family	\$1,382.68	85	\$1,661.06	\$426.89	\$1,234.17	\$1,661.06	\$81.22	\$197.16	\$278.38
			\$227,123.88	\$54,752	\$172,372	\$227,124			
Monthly Costs		295	\$318,378	\$84,417	\$233,960	\$318,378			
			40.000.504	£1 012 000	40.005.500	40.000.504			

Contribution Strategy	Current	Renewal
POS 30/1000 ER contribution %- employee only tier	85%	86%
POS 30/1000 ER contribution %- dependent cost	75%	74%
POS 25/500 ER contribution %- employee only tier	76%	75%
POS 25/500 ER contribution %- dependent cost	70%	65%

 $[\]bullet Employer \ contribution \ decreases \ with \ a \ continuing \ shift \ to \ dependent \ plans. \\$

Wells Fargo Employee Benefits Consulting

Voluntary Dental Plan

15.9% Annual Increase and \$156K Cost of Employer Dental Contribution Shifted to Employer Health Contribution

Current Dental Plan											
Contract Enrolled Premiums Employer% Cost Cost											
Employee Only	89	\$29.26	76.69%	\$22.44	\$6.82						
Employee/Child	16	\$45.79	72.46%	\$33.18	\$12.61						
Employee/Spouse	85	\$47.25	72.47%	\$34.24	\$13.01						
Family	116	\$89.92	72.48%	\$65.17	\$24.75						



FY '14-15 VOLUNTARY Dental Plan								
		Proposed	Employer	Employee	Employee			
Contract	Enrolled	Premiums	Cost	Cost	Increase			
Employee Only	89	\$33.92	\$0.00	\$33.92	\$27.10			
Employee/Child	16	\$53.08	\$0.00	\$53.08	\$40.47			
Employee/Spouse	85	\$54.76	\$0.00	\$54.76	\$41.75			
Employee/Children	7	\$82.99	\$0.00	\$82.99	\$58.24			
Family	109	\$105.62	\$0.00	\$105.62	\$80.87			

Wells Fargo Employee Benefits Consulting

Future Recommendations

- Consider Joint Purchasing with other entities
- Engage employees more in wellness efforts to impact future utilization
- Consider changing contribution strategy or product mix for future employees
- · Consider Self Insurance next year

^{•\$250}K employer contribution could occur by shifting \$156K from county employer dental plan (making it fully Voluntary) contribution to health insurance with balance of \$94K from employer increase.

Bob Camicia, Gills Creek District Supervisor, updated the Board on the Westlake Village Plan Committee activities. Their intent is to bring a recommendation back to the Board in early 2015.

CLOSED MEETING

(RESOLUTION #04-04-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to into a closed meeting in accordance with 2.2-3711,a-1, Personnel, a-3, Discussion of Acquisition or Disposition of Public Property and a-5, Discussion of a Prospective New Business or Industry or of Expansion of an Existing One, of the Code of Virginia, as amended.

MOTION BY: Charles Wagner SECONDED BY: Leland Mitchell VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

MOTION: Cline Brubaker RESOLUTION: #05-04-2014
SECOND: Leland Mitchell MEETING DATE April 15, 2014

WHEREAS, the Franklin County Board of Supervisors has convened an closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act: and

WHEREAS, Section 2.2-3712(d) of the Code of Virginia requires a certification by this Franklin County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Franklin County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Franklin County Board of Supervisors.

VOTE:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

NAYS: NONE

ABSENT DURING VOTE: NONE ABSENT DURING MEETING: NONE

APPOINTMENTS

(RESOLUTION #06-04-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint Diane Lovell to serve on the Piedmont Regional Community Services Board with said term to expire June 30, 2017.

MOTION BY: Charles Wagner SECONDED BY: Cline Brubaker VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

(RESOLUTION #07-04-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to re-appoint Mike Smith to serve on the Roanoke Valley Alleghany Regional Commission with said term to expire June 30, 2017.

MOTION BY: Ronnie Thompson
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

APPOINTMENTS:

(RESOLUTION #08-04-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to appoint William Maxwell to fill unexpired term of Gary Holden, Blue Ridge District Representative, Recreation Commission with said term to expire 6/30/2014.

MOTION BY: Bobby Thompson
SECONDED BY: Charles Wagner
VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

COUNTY CODE SECTION 20-60 EXEMPTIONS FROM PERSONAL PROPERTY TAX

County Attorney Jim Jefferson shared with the Board various Code language for amendment consideration to the County Code Section 20-60 that would correlate with 58.1-3504 and 58.1-3505 of the Code of Virginia as follows:

Sec. 20-60 – Exemptions from personal property tax and real property tax.

- (a) In accordance with Section 58-89.1:1 58.1-3504 and Section 58.1-3505 of the Code of Virginia, the board of supervisors hereby exempts the below listed items the following items are hereby exempt from personal property taxation:
 - (1) Work horses and mules, but not pleasure riding horses.
 - (2) Cattle.
 - (3) Sheep and goats.
 - (4) Hogs.
 - (5) Poultry.
 - (6) Grains and other feeds used for the nurture of farm animals.
 - (7) Farm machinery and farm implements but not licensed vehicles and machinery used for agricultural purposes but not kept in inventory for sale.
 - (8) Motor vehicles that are used exclusively for agricultural purposes for which the owner is not required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to Sections 46.2-665, 46.2-666, or 46.2-670.
 - (9) Trucks or tractor trucks that are defined in Section 46.2-100 exclusively used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7 above (see Section 58.1-3505) or for the transport of farm related machinery.
 - (10) Farm machinery other than the farm machinery described in subdivision 10, and farm implements, which shall include equipment and machinery used by farm wineries as defined in Section 4.1-100 in the production of wine.
 - (11) Bicycles.
 - (12) Household and kitchen furniture and furnishings including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerated machinery of any type, vacuum cleaners and all other household machinery, books, firearms, and weapons of all kinds. **NOTE**: Pursuant to Section 58.1-3504(B), notwithstanding any provisions set forth above, household appliances in residential rental property used by an individual or by a family or household incident to maintaining an abode shall be deemed to be fixtures and shall be assessed as part of the real property in which they are located.
 - (13) Pianos, organs, and all other musical instruments; phonographs, record players, and records to be used therewith; and radio and television instruments and equipment.
 - (14) Oil paintings, pictures, statuary, curios, articles of virtu and works of art.
 - (15) Diamonds, cameos or other precious stones and all precious metals used as ornaments or jewelry.
 - (16) Sporting and photographic equipment.
 - (17) Clothing and objects of apparel.
 - (18) Antique motor vehicles as defined in Section 46.2-100 which may not be used for general transportation purposes.
 - (19) All-terrain vehicles, mopeds, and off-road motorcycles as defined in Section 46.2-100.
 - (20) All other tangible personal property used by an individual or a family or household incident to maintaining an abode.
- (b) In accordance with Section 58-16.3 58.1-3660 (former Section 58-16.3) of the Code of Virginia, the board of supervisors hereby exempts certified pollution control equipment and facilities from personal property taxation and real estate property taxation.

- (c) As used in this section, the term "certified pollution control equipment and facilities" shall be deemed to mean any property, including real or personal property, equipment, facilities or devices used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the state and which the state certifying authority having jurisdiction with respect to such property has certified to the department of taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination.
- (d) As used in this section, the term "state certifying authority" shall be deemed to mean the water control board, for water pollution, and the state air pollution control board for air pollution, and shall include any interstate agency authorized to act in place of a certifying authority of the state.

General discussion ensued.

(RESOLUTION #09-04-2014)

BE IT THEREFORE RESOLVED, by the Board of Supervisors to schedule a public hearing to consider the proposed amendments to Section 20-60 of the County Code as presented.

> **MOTION BY:** Bobby Thompson SECONDED BY: Charles Wagner **VOTING ON THE MOTION WAS AS FOLLOWS:**

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

Chairman Cundiff recessed the meeting for the previously advertise public hearings as follows:

Amending Chapter 7, Erosion & Sediment of the Franklin County Code to read Stormwater Management and Erosion and Sediment Control.

Neil Holthouser, Director of Planning & Community Development,

Chapter 7.

Erosion and Sediment Control and Stormwater Management

<u>Article</u> I. In General **Division 1. Authority**

Sec. 7-1. Title of Article Sec. 7-2. Purpose of Article Sec. 7-3. Authority of Article

Sec. 7-4. Local Control Program Established

Geographic Applicability Sec. 7-5.

Sec. 7-6. Severability Secs. 7-7 - 7-9. Reserved

Division 2. Administration

Sec. 7-10. **Permits** Sec. 7-11. Fees

Sec. 7-12. Reference Documents

Secs. 7-13 - 7-14. Reserved

Division 3. Definitions

Sec. 7-15. General Usage Terms Secs. 7-16 - 7-19. Reserved

Article II. Erosion and Sediment Control

Sec. 7-20. Exemptions

Sec. 7-21. Permit required for land disturbing activities Erosion and Sediment Control Plan Required Sec. 7-22.

Sec. 7-23. **Erosion Impact Areas**

Sec. 7-24. Submission and approval of Plans

Sec. 7-25. Standards to be used in preparation and consideration

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ARTICLE I. - IN GENERAL Division 1 Authority

Sec. 7-1. Title of article.

Sec. 7-62. Appeals

This article shall be known as the "Erosion and Sediment Control and Stormwater Management Ordinance of Franklin County, Virginia."

Sec. 7-2. Purpose of article.

The purpose of this article is as follows:

- 3. Erosion and Sediment Control conserves the land, water, air and other natural resources of Franklin County and the State of Virginia and promotes the health, welfare and convenience of county residents by establishing requirements for the control of erosion and sedimentation and by establishing procedures by which these requirements can be administered and enforced.
- 4. Stormwater Management provides the framework for the administration, implementation and enforcement of the Virginia Stormwater Management Act (VA SWM) and to delineate the procedures and requirements to be followed in connection with state permits issued by a Virginia Stormwater Management Program (VSMP) Authority, while at the same time providing flexibility for innovative solutions to stormwater management issues.

Sec. 7-3. Authority for article.

This article is adopted pursuant to the following:

- 7. Code of Virginia, 1950, as amended, Title 62.1, 3.1, Chapter 3.1, Article 2.4 (§62.1-15:51et seq.), known as the "Erosion and Sediment Control Law."
- 8. Code of Virginia, 1950, as amended, Title 62.1, Chapter 3.1, Article 2.3 (§62.1-15:24 et seq.) known as the "Stormwater Management Law."
- 9. Virginia Administrative Code Chapter 840 Erosion and Sediment Control Regulations (9VAC25-840-10 et seq.)
- 10. Virginia Administrative Code Chapter 850 Erosion and Sediment Control and Stormwater Management Certification Regulations (9VAC25-850-10 et seq.)
- 11. Virginia Administrative Code Chapter 870 Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870-10 et seq.)
- 12. Virginia Administrative Code Chapter 880 General Permit for Discharges of Stormwater from Construction Activities (9VAC25-880-1 et seq.)

Such laws provide for a comprehensive statewide program, with standards and guidelines to control erosion and sedimentation and stormwater quantity and quality, which are implemented on a local level.

Sec. 7-4. Local control program established.

In accordance with the authority granted by the State of Virginia, Franklin County hereby establishes the following local control programs:

- 1. Effective March 18, 2014, a Virginia Erosion and Sediment Control Program for the effective control of soil erosion, sediment deposition and nonagricultural runoff which must be met to prevent the degradation of properties, stream channels, waters and other natural resources. Franklin County hereby adopts this article, any regulations promulgated by the Virginia State Water Control Board pursuant to the Code of Virginia, as amended; and the Virginia Erosion and Sediment Control Handbook as currently in effect and amended from time to time. Franklin County hereby designates the Department of Planning and Community Development as the Administrator of its Virginia Erosion and Sediment Control Program.
- 2. Effective July 1, 2014, a Virginia Stormwater Management Program (VSMP) for land-disturbing activities and adopts the applicable regulations that specify standards and specifications for VSMP's promulgated by the Virginia State Water Control Board pursuant to the Code of Virginia, as amended; and the Virginia Stormwater Management Handbook as currently in effect and amended from time to time. Franklin County hereby designates the Department of Planning and Community Development as the Administrator of its Virginia Stormwater Management Program.

Sec. 7-5. Geographic Applicability.

This chapter shall apply to any land-disturbing activity in Franklin County and the incorporated Towns of Boones Mill and Rocky Mount.

Sec. 7-6. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereto. The Franklin County Board of Supervisors hereby declares that it would have enacted this chapter and each section, subsection, sentence, clause, and phrases hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

Secs. 7-7 - 7-9. Reserved.

Division 2. Administration

Sec. 7-10. Permits.

The following permits may be issued pursuant to this chapter:

- 1. Erosion and Sediment Control Permit.
- 2. Stormwater Management Permit.

Sec. 7-11. Fees.

- (A) There shall be a reasonable fee charged for the processing of erosion and sediment control permit applications. The permit application review fee shall be due at the time of initial submittal of the erosion and sediment control plan / agreement in lieu of plan.
- (B) The application review fee shall cover costs associated with the implementation of the VSECP related to land disturbing activities as listed on the Fee Schedule for Planning & Community Development, which can be obtained from the Department of Planning and Community Development. Incomplete payments will be deemed as non-payments.
- (C) There shall be a reasonable fee charged for the processing of stormwater management permit applications. The permit application review fee shall be due at the time of initial submittal of the stormwater management plan.

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(D) The application review fee shall cover costs associated with the implementation of the VSMP related to land disturbing activities as listed on the Fee Schedule for Planning & Community Development, which can be obtained from the Department of Planning and Community Development. Incomplete payments will be deemed as non-payments. Interests may be charged on late payments, as a 10% late payment fee may be applied to delinquent accounts.

Sec. 7-12. Reference Documents.

In administering this chapter, the local program authority may refer to any document, manual, handbook or guideline recognized by the state of Virginia related to Erosion and Sediment Control and/or Stormwater Management. In addition, the local program authority may develop and reference a local program manual to establish policies and procedures for program administration, plan review, inspections and enforcement related to this chapter.

Secs. 7-13 - 7-14. Reserved.

Division 3. Definitions

Sec . 7-15. General Usage Terms.

As used in this article, the following words and terms shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise:

- "Administrator" means the VESCP & VSMP Administrator, hereby designated as the Franklin County Department of Planning and Community Development.
- "Adequate channel" means a watercourse that will convey the designated frequency storm event without overtopping its banks or causing erosive damage to the bed, banks and overbank sections of the same.
- "Agreement in lieu of a plan" means a contract between the VESCP authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the VESCP authority in lieu of an erosion and sediment control plan.
- "Agreement in lieu of a stormwater management plan" means a contract between the VSMP authority and the owner or permitee that specifies the methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.
- "Applicant" means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.
- "Best management practice" or "BMP" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and non-structural practices, to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.
- "Board or State Board" means the State Water Control Board
- "Channel" means a natural stream or manmade waterway.
- "Certification" means the process whereby the Board, on behalf of the Commonwealth, issues a certificate to persons who have completed board-approved training programs and met any additional eligibility requirements of 9VAC25-850-50) related to the specified classifications (9VAC25-850-40) within the areas of ESC or SWM or in other ways demonstrated adequate knowledge and experience in accordance with the eligibility requirements of 9VAC25-850-50 in the specified classifications within the areas of ESC or SWM.
- "Certified combined administrator for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the Board in the combined ESC classifications of program administrator, plan reviewer, and project inspector in the area of ESC. "Certified combined administrator for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the board in the combined classifications of program administrator, plan reviewer, and project inspector in the area of SWM.

- "Certified project inspector for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the Board in the classification of project inspector in the area of ESC.
- "Certified project inspector for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the board in the classification of project inspector in the area of SWM.
- "Certified plan reviewer for ESC" means an employee or agent of a VESCP authority who: (i) holds a certificate of competence from the Board in the classification of plan reviewer in the area of ESC; or (ii) is a professional registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia; or (iii) is a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.
- "Certified plan reviewer for SWM" means an employee or agent of a VSMP authority who (i) holds a certificate of competence from the Board in the classification of plan reviewer in the area of SWM, of (ii) is a professional registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- "Certified program administrator for ESC" means an employee or agent of a VESCP authority who holds a certificate of competence from the Board in the classification of program administrator in the area of ESC.
- "Certified program administrator for SWM" means an employee or agent of a VSMP authority who holds a certificate of competence from the Board in the classification of program administrator in the area of SWM.
- "Classification" refers to the four specific certificates of competence classifications within the areas of ESC or SWM that make up activities being performed (program administrator, plan reviewer, project inspector, and combined administrator).
- "Combined administrator for ESC" means anyone who is responsible for performing the combined duties of a program administrator, plan reviewer and project inspector of a VESCP authority.
- "Combined administrator for SWM" means anyone who is responsible for performing the combined duties of a program administrator, plan reviewer and project inspector of a VSMP authority.
- "Clearing" means any activity which removes the vegetative ground cover including, but not limited to, root mat removal and/or topsoil removal.
- **"Clean Water Act" or "CWA"** means the federal Clean Water Act (33 U.S.C §1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.
- "Common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules. The "plan" in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating that construction activities may occur on a specific plot. "Common plan of development or sale" does not include any residential, commercial, or industrial lot recorded in the Franklin County Clerk of the Circuit Court's office on or before July 1, 2004.
- "Control measure" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.
- "County" means The County of Franklin.
- "Denuded" means a term applied to land that has been physically disturbed and no longer supports vegetative cover.
- "Department" means the Virginia Department of Environmental Quality.
- "Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or

utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

"Director" means the Director of the Virginia Department of Environmental Quality.

"District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

"Dormant" refers to denuded land that is not actively being brought to a desired grade or condition.

"ESC" means erosion and sediment control.

"ESC Act" means the Erosion and Sediment Control Law, Article 4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

"Erosion and Sediment Control Plan" or "ESC plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan-approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives. All erosion and sediment control plans must be prepared by a professional registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia, or a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

"Erosion and Sediment Control Agreement". – An agreement authorized by the program administrator to be provided in lieu of a performance bond on single family home construction. See agreement in lieu of plans.

"Erosion Impact Area" An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

"Excavating" Any digging, scooping or other method of removing earth materials.

"Filling" Any depositing or stockpiling of earth materials.

"General permit" means the state permit titled general permit for discharges of stormwater from construction activities found Chapter 880 (9VAC25-880-1 et. seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

"Grading" Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

"Land disturbance or Land disturbing activity" – means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, or that potentially changes its runoff characteristics including, but not limited to, clearing, grading, and excavation, transporting and filling of land except that the term shall not include those exemptions specified elsewhere in this chapter.

"Land Disturbing Activity Permit" - See Permit for Land Disturbing Activity

"Layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

"Licensed professional" or "professional registered in the Commonwealth of Virginia" means a person registered to engage in the practice of engineering, land surveying, or landscape architecture pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia, or a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.

"Live watercourse" means a definite channel with bed and banks within which concentrated water flows continuously.

- "Local program manual" means a reference document developed by the local program authority to document policies and procedures for program administration, plan review, inspections or enforcement related to Erosion and Sediment Control and/or Stormwater Management.
- "Locality" means Franklin County, including the incorporated towns of Boones Mill and Rocky Mount.
- "Minor modification" means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.
- "Natural stream" means nontidal watercourses that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams. Channels designed utilizing natural design concepts may be considered natural streams.
- "Non-erodible" means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.
- "Operator" means the owner or operator of any facility or activity subject to regulation under this Ordinance.
- "Owner" The owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.
- "Permit" or "VSMP Authority Permit" means an approval to conduct a land-disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department where applicable.
- "Permit for Land Disturbing Activity" A permit issued by the county authorizing the applicant to undertake a land-disturbing activity in accordance with the provisions of the VESCP or VSMP programs.
- "Permittee" means the person to whom the permit authorizing the land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan and/or stormwater management plan will be followed.
- "Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.
- "Program administrator" means the person or persons responsible for administering and enforcing the VESCP or VSMP of a VESCP authority or a VSMP authority as may be applicable in the areas of ESC or SWM.
- "Project inspector" means anyone who, as a representative of a VESCP authority or a VSMP authority, is responsible for periodically examining the ESC or SWM activities and premises of a land-disturbing activity for compliance with the ESC Act and Regulations or the SWM Act and Regulations as may be applicable.
- "Plan approving authority" The Department of Planning and Community Development of Franklin County.
- "Post-development" refers to conditions that may be reasonably expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.
- "Pre-development" refers to conditions that exist at the time the erosion and sediment control plan is submitted to the VESCP authority or plans for land development are submitted to the VSMP authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time the erosion and sediment

control or land development plans for the initial phase is submitted for approval shall establish pre-development conditions.

- "Program Authority" refers to Franklin County, Virginia.
- "Regulations" include, but are not limited to, the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870 and 9VAC25-880, as amended; and the Virginia Erosion and Sediment Control Program (VESCP) Regulations 9VAC25-840, as amended.
- "Responsible Land Disturber" or RLD, An individual from the project or development team who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved Erosion and Sediment Control Plan or an Erosion and Sediment Control Agreement, who (i) holds a responsible land disturber certificate of competence, or (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review, or (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is registered as a professional in the Commonwealth pursuant to Article 1 (Code of Virginia, § 54.1-400 et seq.) of Chapter 4 of Title 54.1, or (v) is a professional soil scientist as defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia.
- "Single-family residence" A noncommercial dwelling unit that is occupied exclusively by one family.
- "Site" means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channel ward of mean low water in tidal Virginia shall not be considered part of a site.
- "Stabilized" means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.
- "State" means the Commonwealth of Virginia.
- "State Board" means the State Water Control Board.
- "State Permit" means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.
- "State Water Control Law" means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.
- "State Erosion and Sediment Control Program or State Program." means the program administered by the Department of Environmental Quality pursuant to the state code including regulations designed to minimize erosion and sedimentation.
- **"State Waters"** means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.
- "Surface Water" means all water, at or above the land's surface including, but not limited to springs, streams, rivers, lakes, ponds, wetlands, and artificially created water bodies.
- "Stormwater Detention" means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.
- "Stormwater Maintenance Facility" means a control measure that controls stormwater runoff and changes the characteristics of that runoff including but not limited to, the quantity and quality, the period of release or velocity of flow.
- "Stormwater Management Plan" or "SWM plan" means a document containing material describing methods for complying with the requirements of a VSMP and the SWM Act and its attendant regulations.
- "SWM" means stormwater management.
- "Stormwater" means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater Pollution Prevention Plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

"Total Maximum Daily Load" or "TMDL" means the sum of the individual waste load allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Town" An incorporated town.

"Transporting" Any movement of earth material from one place to another, when such movement results in destroying the vegetative cover, either by tracking or the buildup of earth materials, to the extent that erosion and sedimentation will result from the area over which such transporting occurs.

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in the ESC Act and this article, and evaluation consistent with the requirements of the ESC Act and this article.

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means an authority approved by the board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.

"Virginia Stormwater Management Act" or "SWM Act" means Article 2.3 (§62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

"Virginia Stormwater BMP Clearinghouse website" means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the board after July 1, 2013, that has been established by a VSMP authority to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in the SWM Act and associated regulations, and evaluation consistent with the requirements of the SWM Act and associated regulations.

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the board after July 1, 2013, to operate a Virginia Stormwater Management Program or, until such approval is given, the department. An authority may include a locality; state entity, including the department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31 of the Code of Virginia, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 of the Code of Virginia.

Sec. 7-20. Exemptions.

- (A) Except as provided herein, no person may engage in any land-disturbing activity until an erosion and sediment control permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (B) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
 - (1) Minor activities such as home gardens and individual home landscaping, repairs and maintenance work.
 - (2) Individual utility service connections.
 - (3) Installation, repair and maintenance of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided the activity is confined to the area of the road, street or sidewalk which is hard surfaced.
 - (4) Septic tank lines or drainage fields unless included in an overall plan for landdisturbing activity relating to construction of the building to be served by the septic tank system.
 - (5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1
 - (6) Tilling, planting, or harvesting of agricultural horticultural, or forest crops, or livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11(10.1-1100 er seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of 10.1-1163;
 - (7) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
 - (8) Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (10.1-604 et seq.) of Chapter 6, ditches, strip, cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;
 - (9) Disturbed land areas of less than 3,000 square feet in size. See section 7-19 for clarification as to when a permit is required.
 - (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles.
 - (11) Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and
 - (12) Emergency work to protect life, limb or property and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the VESCP authority.

Sec. 7-21. Permit required for land-disturbing activities.

- (A) Except as otherwise provided in this article, no land disturbing activity shall commence prior to the issuance of an Erosion and Sediment Control permit by the Department of Planning and Community Development.
- (B) A Erosion and Sediment Control permit is required if:
 - (1) The area of land disturbance is ten thousand (10,000) square feet or greater; or

- (2) The area of land disturbance is three thousand (3,000) square feet or greater, and the area of land disturbance is located within two hundred (200) feet of any surface water.
- (C) A Erosion and Sediment Control permit is not required if:
 - (1) The area of land disturbance is less than ten thousand (10,000) square feet, and such area is located more than two hundred (200) feet from any surface water; or
 - (2) The area of land disturbance is less than three thousand (3,000) square feet, and such area is located within two hundred (200) feet of any surface water.

Sec. 7-22. Erosion and Sediment Control Plan required.

- (A) Except as otherwise provided in this article, no erosion and sediment control permit for land-disturbing activity shall be issued without an approved Erosion and Sediment Control Plan.
- (B) An Agreement in lieu of may be substituted for an Erosion and Sediment Control Plan under the following conditions:
 - (1) The land-disturbing activity is associated with the construction of a single family residence that is not part of a common plan of development or sale; and
 - (2) The area of land disturbance is less than one (1) acre and
 - (3) No additional proffers or conditions are required as part of a rezoning or special use permit which require low impact development techniques.

Sec. 7-23. Erosion Impact Areas.

In order to prevent further erosion, the program administrator may identify any land, whether or not disturbed by the building process, as an erosion impact area as defined above and require an approved Erosion and Sediment Control plan and Erosion and Sediment Control permit.

Sec.7-24. Submission and approval requirements.

- (A) Except as otherwise specifically provided, no person shall engage in any land-disturbing activity until an erosion and sediment control plan has been submitted and approved by the county, and a permit has been issued by the program administrator.
- (B) Any person whose land-disturbing activity involves lands which extend into the jurisdiction of another local erosion and sediment control program may submit an erosion and sediment control plan to the Department of Environmental Quality for review and approval, rather than submission to each jurisdiction concerned. In such events, the applicant shall obtain permits for the land-disturbing activity from each jurisdiction.
- (C) No grading, land-disturbing activity, building or other permit shall be issued by the county for any work which involves land-disturbing activity for which permit is required unless the applicant submits with his application an Erosion and Sediment Control Plan for approval (unless otherwise exempted by this Ordinance), and certifies, after approval, that the Erosion and Sediment Control Plan will be followed.
- (D) Where the land-disturbing activity results from the construction or location of a single-family residence, an Agreement in lieu of plans may be substituted for an Erosion and Sediment Control Plan if executed by the plan approving authority.
- (E) Prior to the issuance of any permit for land-disturbing activity, the person responsible for carrying out the Erosion and Sediment Control Plan or agreement in lieu of plan shall provide the name of the responsible land disturber who will be in charge of and responsible for the projects land disturbance.
- (F) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Department of Environmental Quality for review and approval prior to performing work in Franklin County. The specifications shall apply to:
 - (1) Construction, installation or maintenance of electric, natural gas and telephone utility lines and pipelines; and
 - (2) Construction of the tracks, rights of way, bridges, communication facilities and other related structures and facilities of the railroad company.

Sec. 7-25. Standards to be used in preparation and consideration.

- (A) The most recent edition of the Virginia Erosion and Sediment Control Handbook and Virginia Erosion and Sediment Control Regulations and the Virginia Stormwater Management Handbook shall be available at the program administrators office as well as online and shall be used in preparing the Erosion and Sediment Control Plan required by this article. The county, in considering the adequacy of such Erosion and Sediment Control Plan, shall be guided by the standards set forth in state regulations, or otherwise included in the Virginia Erosion and Sediment Control Handbook, the Virginia Stormwater Management Handbook, or the local program manual.
- (B) In areas governed by American Electric Power's Smith Mountain Lake Shoreline Management Plan, shoreline rip-rap shall be installed according to the following specifications, and subject to AEP approval:
 - (1) Materials and design as part of an engineered plan, based on standards in the handbook and VDOT manual and approved by the county; or,
 - (2) In the case of separate individual residential lots involving five hundred (500) feet or less of shoreline, the following minimum materials and design standards may be used:
 - a. Stone—Class B erosion stone, VDOT Class I, or equivalent
 - b. Plastic filter cloth—Exxon GTF-400 Geotextile or equivalent.
 - c. Temporary and permanent seeding, fertilization, and mulching rates as specified by the Virginia Erosion and Sediment Control Handbook.
 - d. Maximum slope ratio for riprap area—2.5 to 1.
 - e. Minimum vertical face height—Thirty-six (36) inches above full pond level (795-foot contour) or to the prevailing cut line.
 - f. Terrace width (if needed at top of rip rap slope) shall have a minimum width of twelve (12) feet.
 - g. Terrace back slope ratio—Maximum 2:1.
 - h. Minimum thickness of rip rap layer—Twelve (12) inches.
- (C) All installation of materials shall be according to the VESC Handbook and manufacturers specifications.

Sec. 7-26. Responsibility of property owner when work is being done by a contractor.

Whenever a land-disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of the required Erosion and Sediment Control Plan shall be the responsibility of the owner of the land.

Sec. 7-27. Approval or disapproval.

- (A) Upon receipt of an erosion and sediment control plan submitted under this article, together with the required fees, the program administrator shall act on such erosion and sediment control plan within forty-five (45) days, by either approving the Erosion and Sediment Control Plan in writing or by disapproving the Erosion and Sediment Control Plan in writing and giving specific reasons for disapproval. The program administrator shall approve the Erosion and Sediment Control Plan if the Erosion and Sediment Control Plan meets the conservation standards of the county E&S program and if the person responsible for carrying out the Erosion and Sediment Control Plan certifies that he will properly perform the erosion and sediment control measures included in the Erosion and Sediment Control Plan and will comply with all provisions of this article. If a temporary sediment basin, a permanent stormwater detention basin or any other permanent feature is a part of the approved Erosion and Sediment Control Plan, this same person must designate, in writing the person who will be liable for necessary long-term maintenance on these structures.
- (B) If an Erosion and Sediment Control Plan is disapproved, the program administrator shall specify such modifications, terms and conditions as will permit approval of the

- Erosion and Sediment Control Plan and shall communicate such requirements to the permit applicant.
- (C) If no action is taken by the plan approving authority within the time specified in subsection (a) above, the Erosion and Sediment Control Plan shall be deemed approved and the program administrator shall issue the land-disturbing permit.
- (D) If action is taken by the plan approving authority within the time specified in subsection (a) above, and the Erosion and Sediment Control Plan is deemed disapproved, the applicant must resubmit within six (6) months following the date of disapproval, or the Erosion and Sediment Control Plan shall be deemed abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the applicant may resubmit the Erosion and Sediment Control Plan after the six (6) month period, however, the following shall apply:
 - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
 - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.
- (E) Should a land-disturbing activity not begin within 180 days following Erosion and Sediment Control Plan approval, or after the Erosion and Sediment Control Plan is ready for approval but the plan approval authority has not received the required performance bond, the plan will be considered abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the following shall apply:
 - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
 - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.
- (F) Should a land-disturbing activity cease for more than one hundred eighty (180) days, the plan approval authority may evaluate the existing approved Erosion and Sediment Control Plan to determine whether the Erosion and Sediment Control Plan still satisfies local and state erosion and sediment control criteria and to verify that all design factors are still valid. Should the plan approval authority determine the Erosion and Sediment Control Plan is no longer valid, the Erosion and Sediment Control Plan shall be deemed abandoned. If an Erosion and Sediment Control Plan is deemed abandoned, the following shall apply:
 - (1) The Erosion and Sediment Control Plan will be subject to a new review and all applicable fees must be paid.
 - (2) The Erosion and Sediment Control Plan will be reviewed under the current Department of Environmental Quality regulations in place at the time of resubmittal.

Sec. 7-28. Variances.

The VESCP authority may waive or modify any of the minimum standards that are deemed inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under the following conditions:

- 4. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the VESCP authority shall be documented in the plan.
- 5. During construction, the person responsible for implementing the approved plan may request a variance in writing from the VESCP authority. The VESCP authority shall respond in writing either approving or disapproving such a request. If the VESCP authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

6. The VESCP authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

Sec. 7-29. Changing an approved erosion and sediment control plan.

An Erosion and Sediment Control Plan that has been approved under this article may be changed by the program administrator in the following cases:

- 3. Where inspection has revealed that the Erosion and Sediment Control Plan is inadequate to satisfy applicable regulations.
- 4. Where the person responsible for carrying out the approved Erosion and Sediment Control Plan finds that because of changed circumstances or for other reasons the Erosion and Sediment Control Plan cannot be effectively carried out, and proposed amendments, consistent with the requirements of this article, are agreed to by the program administrator and the person responsible for carrying out the plan.

Sec. 7-30. Reserved.

Sec. 7-31. Performance Bond.

Except as otherwise provided in this article, no erosion and sediment control permit for land-disturbing activity shall be issued without the submittal and approval of a reasonable performance bond to secure the required erosion and sediment control measures. Such bond may take the form of surety, cash escrow, letter of credit, any combination thereof, or such legal arrangement acceptable to the program administrator. Such bond shall be held by the program authority. In the event that the applicant fails to initiate or maintain appropriate conservation actions which may be required of him by the approved Erosion and Sediment Control Plan, the county may utilize said bond to implement the appropriate conservation actions.

If the county takes such conservation action upon failure by the applicant or owner, the county may collect from the applicant or owner for the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within sixty (60) days of the achievement of adequate stabilization of the land-disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement or the unexpended or unobligated portion thereof, shall be refunded to the applicant or owner or terminated. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

For land-disturbing activities that are associated with the construction or location of a single-family residence, an Erosion and Sediment Control Agreement may be substituted for a performance bond to secure the required erosion and sediment control measures. The Erosion and Sediment Control Agreement shall include the following:

- 6. The title of the Erosion and Sediment Control Plan;
- 7. The name of the plan preparer;
- 8. The date the plan was prepared;
- 9. The name and license number of the Responsible Land Disturber; and
- 10. The signature of the property owner.

Sec. 7-32. Long term maintenance of permanent facilities.

- (A) The Administrator shall require the provision of long-term responsibility for and maintenance of permanent Erosion and Sediment Control facilities. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
 - (1) Be submitted to the Administrator for review and approval prior to the approval of the Erosion and Sediment Control plan;
 - (2) Be stated to run with the land;
 - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
 - (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and

- (5) Be enforceable by all appropriate governmental parties.
- (B) At the discretion of the Administrator, such recorded instruments need not be required for Erosion and Sediment Control facilities designed to accommodate runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.

Sec. 7-33. Closure of Erosion and Sediment Control Permit.

Post-construction record documents, also known as "as-built" drawings, are required for all development projects that include permanent facilities for Erosion and Sediment Control. Such post-construction record documents shall be sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (54.1-400 et. seq.) of Chapter 4 of Title 54.1, and shall include language on the record documents certifying that the permanent facilities are in conformance with the approved Erosion and Sediment Control plan.

Sec. 7-34. Monitoring and Inspections.

- (A) The program administrator shall provide for periodic inspections of land-disturbing activity either through the district or through county personnel. The district may inspect, monitor and make reports to the county, but enforcement shall be the responsibility of the program administrator. The program administrator may require monitoring and reports from the person responsible for carrying out the ESC plan or Agreement in Lieu of plans to insure compliance with the approved plan and to determine whether the measures required in the approved plans are effective in controlling erosion and sediment. The owner, occupier or operator shall be given notice of the inspection and an opportunity to accompany the inspectors. Inspections shall be performed in accordance with the Virginia State Soil and Water Conservation Board's approved Alternative Inspection Program (AIP) for Franklin County, approved February 1, 2008. See Article III.
- (B) If the program administrator determines that there is a failure to comply with the ESC plan or Agreement in Lieu of plans, notice shall be served upon the permittee or person responsible for carrying out the ESC plan or Agreement in Lieu of plans by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery, to the site of the land-disturbing activities, to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the ESC Plan or Agreement in Lieu of plans and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the ESC Plan or Agreement in Lieu of plans shall be deemed to be in violation of this article, and upon conviction shall be subject to the penalties provided herein.
- (C) Upon receipt of a sworn complaint of a substantial violation of this article from a designated inspector of the county or the district, the program administrator may, in conjunction with or subsequent to a notice to comply as specified in subsection (b) above, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken, or, if land-disturbing activities have commenced without an approved erosion and sediment control plan or Agreement in Lieu of plan, requiring that all of the land-disturbing activities be stopped until an approved ESC plan- or Agreement in Lieu of plan, or any required permits are obtained. Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved ESC plan, or any required permits, such an order may be issued whether or not the alleged violator has been issued a notice to comply order. The order shall be served in the same manner as a notice to comply and shall remain in effect for seven (7) days from the date of service, pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court of Franklin County. Within seven (7) days from the service of the order, it shall be the responsibility of the owner to retain the services of a plan preparer to prepare and submit the required Erosion and Sediment Control Plan, and notify the program administrator that a plan preparer has been retained. Within this seven (7) day period temporary corrective measures shall be installed to prevent harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth. Such temporary corrective measures shall be maintained until an approved ESC plan and

any required permits have been obtained. If the alleged violator has not obtained a plan preparer and/or installed the necessary temporary corrective measures within seven (7) days from the date of service of the order, the program administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved Erosion and Sediment Control Plan and any required permits have been obtained.

(D) The required Erosion and Sediment Control Plan shall be submitted within (30) thirty days from the date of service of the order, unless otherwise agreed to by the program administrator. If the alleged violator has not submitted the required erosion and sediment control plan within the time period authorized by the program administrator, the program administrator may issue an order to owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved erosion and sediment control plan and any required permits have been obtained.

Sec. 7-35. Enforcement.

- (A) A violation of any provision of this article shall be deemed a Class 1 misdemeanor.
- (B) The county, district, or board may apply to the Circuit Court of Franklin County for injunctive relief to enjoin a violation or a threatened violation of the article, without the necessity of showing that there is not an adequate remedy at law. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation.

(C) Civil penalties:

- 1. A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:
- 2. Commencement of a land-disturbing activity without an approved land-disturbing permit shall be not less than \$100.00/day and no more than (\$1,000.00)/day.
- 3. Failure to comply with the vegetative measures, structural measures, watercourse measures or underground utility measures of the minimum standards found in the Virginia Erosion and Sediment Control Handbook shall be up to one hundred dollars (\$100.00)/violation/day.
- 4. Failure to obey a stop work order shall be up to one hundred dollars (\$100.00)/day.
- 5. Failure to stop work when a permit is revoked shall be up to one thousand dollars (\$1,000.00)/day.
- (D) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00), except that a series of violations arising from commencement of land-disturbing activities without an approved Erosion and Sediment Control Agreement for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of (§ 62.1-44.15:54).
- (E) Individuals who hold a Responsible Land Disturber Certification as issued by the State Water Control Board and administered by the Virginia Department of Environmental Quality (DEQ) are hereby considered to be the person responsible for carrying out the plan and upon repeated violations, will be reported to DEQ for revocation of their certification. A Responsible Land Disturber is also accountable for any and all sanctions included in this article and is subject to the same penalties as the owner of the property.

- (F) Any civil penalties assessed by the court shall be paid into the treasury of Franklin County, except that where the violator is the county itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
- (G) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the program administrator, or any condition of a permit or any provision of this article, the administrator may provide, in an order issued by the program administrator against such persons, for the payment of civil charges for violations in specific sums not to exceed the limit specified in paragraph (B) of this section. Such civil charges shall be in lieu of any appropriate civil penalty which could be imposed under paragraphs (B) and (C).
- (H) Except when land disturbance requiring a permit has begun without a permit, or when in the opinion of the administrator, conditions pose an imminent danger to life, limb, property, or to the waters of the commonwealth, this article shall be enforced as follows:
 - 1. Issue a field correction notice listing the violations noted during inspection and the required corrective action.
 - 2. Send a notice to comply by certified mail, return receipt required, identifying the violations noted in the correction letter which have not yet been corrected and allowing ten (10) days after the receipt of the notice for the implementation of the corrective actions.
 - 3. Issue a stop work order by certified mail, return receipt required; requiring that all work on the site should be stopped until the corrective measures noted in the notice to comply are implemented. A maximum period of seven (7) days after the receipt of the order shall be allowed to correct the violations. In addition, the land-disturbing permit may be revoked during this period until the corrective actions are taken. Should this permit be revoked, all construction work on the site shall be stopped. Upon the completion of the corrective actions, the stop work order is rescinded and the permit is reinstated.
 - 4. Imposition of criminal or civil penalties. Either, but not both, of these penalties may be imposed if the seven-day period in the stop work order passes without the implementation of necessary corrective actions. The time frame for computing the number of days in violation shall not begin until the seven (7) days allowed for corrective action has expired unless work was not stopped as ordered.
 - 5. Such orders shall be issued in accordance with the Stormwater Management and Erosion Control Manual.

Sec. 7-36. Appeals.

Final decisions of the program administrator under this article shall be subject to review by the Franklin County Board of Supervisors, provided an appeal is filed within thirty (30) days from any written decision by the program administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Final decisions of the board of supervisors under this article shall be subject to review by Circuit Court of Franklin County, provided an appeal is filed within thirty (30) days from the date of any written decision by the Franklin County Board of Supervisors which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Secs. 7-37 - 7-39. Reserved.

Article III Alternative Inspection Program for Erosion and Sediment Control

Sec. 7-40. Alternative Inspection Program.

PURPOSE: The alternative inspection program described herein for the County of Franklin is designed to provide the oversight of urban land-disturbing activities by effectively utilizing local staff to meet specific urbanization trends while addressing specific environmental conditions within the locality.

AUTHORIZATION: 62.1-44.15:52 of Title 62.1, Chapter 3.1Article 2.4 of the Code of Virginia and 9VAC25 840-60 of the Erosion and Sediment Control Regulations.

POLICY: To most effectively utilize local staff and protect the resources of the County of Franklin and the Commonwealth, the County of Franklin will implement an alternative inspection program based on a system of priorities. The system of priorities will be based upon the amount of disturbed project area, site conditions, stages of construction, and site conditions noted on previous inspections.

IMPLEMENTATION:

- 1. The erosion and offsite environmental impact potential of regulated projects shall be determined by an evaluation of the topography soil characteristics, acreage disturbed, proximity to water resources, and proximity to adjacent property lines.
- 2. After plan review and a site visit, the plan reviewer and the program administrator will assign a classification number to the project.
- 3. Classification numbers will be assigned to projects which address site specific erosion potential and offsite environmental impact. These classification numbers will be used to determine the frequency of inspections. The classification numbers will range from one to three, one (1) requiring a less frequent inspection schedule and three (3) requiring a more frequent inspection schedule.
- 4. The classification of a project may be adjusted to a higher or lower classification by the program administrator based upon complaints, violations, inspections, and stages of construction.
- 5. The classification number shall be included on the approved plan, written on the file folder, written on the building permit application, and made a part of the project database.

BASIS FOR CLASSIFICATION: Project classifications shall be assigned to projects based on a preliminary site visit, plan review, and utilizing the Tabular Rating System:

CLASS 1 (LOW)	Projects typically with total acres disturbed under two acres; greater than 150 foot buffer between disturbed area and any property lines, water resources, or public streets; slopes are 0-7 percent and less than or equal to 300 feet; weighted soil K-factor is less than .23 within the limits of disturbance.
CLASS 2 (MED)	Projects typically with total acres disturbed under two acres; disturbed area is 50 feet to 150 feet from any property lines, water resources, or public streets; slopes are 7-15 percent and less than or equal to 150 feet; weighted soil K-factor is between .23 and .36 within the limits of disturbance.
CLASS 3 (HIGH)	Projects typically with total acres disturbed over two acres; disturbed area is less than 50 feet from any property lines, water resources, or public streets; slopes are greater than 15 percent and less than or equal to 75 feet; weighted soil K-factor is greater than .36 within the limits of disturbance.

FREQUENCY OF INSPECTIONS:

1. All permitted land-disturbing activities will be inspected at a minimum frequency according to the following schedule:

CLASS 1	At the beginning and completion of the project and every eight weeks.
CLASS 2	At the beginning and completion of the project and at least every five weeks.
CLASS 3	At the beginning and completion of the project and at least every two weeks.

- All inspections will be documented on an inspection log maintained as a part of each project file. Project owners will receive copies of inspection reports with noted violations.
- 3. Inspection return frequency is not limited to the above schedule and will increase in frequency due to runoff producing storm events or documented violations.

TABULAR RATING SYSTEM - EROSION AND SEDIMENT CONTROL FRANKLIN COUNTY, VIRGINIA

TOTAL DISTURBED	CHECK	RATING	DISTANCE TO	CHECK	RATING

ACREAGE		WATERCOURSE	
Less than ½ acre	0	0—50 feet	5
½ acre to one acre	3	50—100 feet	3
1 to 2 acres	5	150—300 feet	1
>2 acres- Must inspect every two weeks		Greater than 300 feet	0
(High Priority)			
Soil Erodibility (base on K-Factor)		Distance—Downstream Adjacent Property	
Low (0.23 and lower)	1	Less than 50 feet	5
Moderate (0.24—.036)	3	50 feet to 150 feet	3
High (.037 and higher)	5	Greater than 150 feet	1
Buffer Vegetation Condition		Width of Buffer	
Very Good (Dense, grass, hayfield)	0	0—50 feet	5
Good (Avg. grass, forest good pasture	1	50—150 feet	3
Fair (poor grass, fair pasture)	3	150—300 feet	1
Poor (Bare soil, pavement)	5	Greater than 300 feet	0
Critical Slope		Crossing Water Course	
Does the slope meet or exceed the following criteria		Yes—inspect every two weeks (High Priority)	

Grade of slop slope length:	oe—0—7%, >300 feet OR				No		0	
	oe—7—15%, >150 feet OR							
Grade of slop slope length:								
If yes to any conditions, ra If no, rating (•							
OVERALL RATING			INSPECTION RETURN FREQUENCY					
(TOTAL OF CATEGORIE								
If	is 26-33 the	en .			Once every two (2) weeks			
If	is 20-26 the	is 20-26 then			Once every five (5) weeks			
If	is 13-19 the	is 13-19 then			Once every eight (8) weeks			
Ifthen	is 12 or less			Frequency based on criteria below				
frequency du	ie to run-off prod	ducin	g sto	orm even	ed to the above schedule and ts or documented violations. And tion of all projects, regardless	Also, an ir		
Project Name	e:				Approved By:			

Secs. 7-41 - 7-49. Reserved.

Article IV. Stormwater Management

Sec. 7-50. Exemptions

- (A) Except as provided herein, no person may engage in any land-disturbing activity until a Virginia Stormwater Management Program or VSMP authority permit has been issued by the Administrator in accordance with the provisions of this Ordinance.
- (B) Notwithstanding any other provisions of this Ordinance, the following activities are exempt, unless otherwise required by federal law:
 - (1) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;

- Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
- (3) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures.
- (4) Land disturbing activities that disturb less than one acre of land area except for activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance
- (5) Discharges to a sanitary sewer or a combined sewer system;
- (6) Activities under a State or federal reclamation program to return an abandoned property to an agricultural or open land use;
- (7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this Subsection; and
- (8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of Subsection (a) is required within 30 days of commencing the land-disturbing activity.

Sec. 7-51. Submission and Approval of Plans; Prohibitions.

- (A) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:
 - (1) A permit application that includes a general permit registration statement;
 - (2) An Erosion and Sediment Control Plan approved in accordance with the Franklin County Erosion and Sediment Control Ordinance Section 7-23, and;
 - (3) A Stormwater Management Plan that meets the requirements of Section 7-50 of this Ordinance.
- (B) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.
- (C) No VSMP authority permit shall be issued until the appropriate fees have been paid and a performance bond has been submitted and approved.
- (D) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing;

- construction, disturbance, land development and drainage will be done according to the approved permit.
- (E) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the Administrator unless otherwise exempted by this ordinance.

Sec. 7-52. Stormwater Pollution Prevention Plan; Contents of Plans.

- (A) The Stormwater Pollution Prevention Plan (SWPPP) shall include the content specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Chapter 880 General Permit for Discharges of Stormwater from Construction Activities 9VAC25-880-1 et seq.
- (B) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.
- (C) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

Sec. 7-53. Stormwater Management Plan; Contents of Plan.

- (A) The Stormwater Management Plan, required in Section 7-48 of this Ordinance, must apply the stormwater management technical criteria set forth in Section 7-53 of this Ordinance to the entire land-disturbing activity, consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff, and include the following information including but not limited to any additional information as required by the VSMP Permit Regulations (9VAC25-870-55) and the Stormwater Management and Erosion Control Manual:
 - (1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the predevelopment and post development drainage areas;
 - (2) Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
 - (3) A narrative that includes a description of current site conditions and final site conditions:
 - (4) A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
 - (5) Information on the proposed stormwater management facilities, including but not limited to:
 - (a) The type of facilities;
 - (b) Location, including geographic or state plain coordinates;
 - (c) Acres treated, and;
 - (d) The surface waters or karst features, if present, into which the facility will discharge.
 - (6) Hydrologic and hydraulic computations, including runoff characteristics;
 - (7) Documentation and calculations verifying compliance with the water quality and quantity requirements of Section 30-45 of this Ordinance and the Stormwater Management and Erosion Control Manual.

- (8) A map or maps of the site that depicts the topography of the site and includes at a minimum:
 - (a) All contributing drainage areas;
 - (b) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - (c) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - (d) Current land use including existing structures, roads, and locations of known utilities and easements:
 - (e) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - (f) The limits of clearing and grading, and the proposed drainage patterns on the site;
 - (g) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - (h) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.
- (B) If an operator intends to meet the water quality and/or quantity requirements set forth in Section 7-53 of this Ordinance through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by § 62.1-44.15:35 of the Code of Virginia.
- (C) Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- (D) A construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator except for stormwater management facilities for which maintenance agreements are not required pursuant to Section 7-31. The construction record drawing shall be appropriately sealed and signed by a licensed professional registered in the Commonwealth of Virginia, pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia certifying that the stormwater management facilities have been constructed in accordance with the approved plan.

Sec. 7-54. Pollution Prevention Plan; Contents of Plans.

- (A) Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21 (d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
 - (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

- (B) The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450 21 (e):
 - (1) Wastewater from washout of concrete, unless managed by an appropriate control;
 - (2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, and;
 - (4) Soaps or solvents used in vehicle and equipment washing.
- (C) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR 45.21 (c).

Sec. 7-55. Review of Stormwater Management Plan.

- (A) The Administrator or any duly authorized agent of the Administrator shall review stormwater management plans and shall approve or disapprove a stormwater management plan according to the following:
 - (1) The Administrator shall determine the completeness of a plan in accordance with Section 7-50 of this Ordinance, and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.
 - (2) The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed in subdivision (1), then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
 - (3) The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
 - (4) For plans not approved by the Administrator, all return comments shall be addressed by the applicant within 90 calendar days. Plans that are not resubmitted within this time period will be subject to a new application fee and review for current regulations.
 - (5) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or his designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance and the Stormwater Management and Erosion Control Manual.
 - (6) If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above in subdivision (2) for review, the plan shall be deemed approved.
- (B) Approved stormwater plans may be modified as follows:
 - (1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
 - (2) The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.

(C) The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities. The Administrator may elect not to require construction record drawings for stormwater management facilities for which recorded maintenance agreements are not required pursuant to Section 7-55 (B)

Sec. 7-56. Technical Criteria for Regulated Land Disturbing Activities.

- (A) All land-disturbing activities shall comply with the technical criteria outlined in the Stormwater Management and Erosion and Control Plan Manual, latest edition.
- Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or (B) conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by Franklin County as being equivalent thereto, was approved by the Franklin County prior to July 1, 2012, and for which no coverage under the general permit has been issued prior to July 1, 2014, shall be considered grandfathered by the Administrator and shall not be subject to the technical criteria of Part II B [of the Regulations], but shall be subject to the technical criteria of Part II C [of the Regulations] for those areas that were included in the approval, provided that the Administrator finds that such proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the Locality as being equivalent thereto, (i) provides for a layout and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C. In the event that the Localityapproved document is subsequently modified or amended in a manner such that there is no increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.
 - (1) Until June 30, 2019, for local, state, and federal projects for which there has been an obligation of local, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the Department has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by Franklin County and shall not be subject to the technical requirements of Part II B of the Regulations, but shall be subject to the technical requirements of Part II C of the Regulations for those areas that were included in the approval.
 - (2) For land-disturbing activities grandfathered under this Subsection, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical requirements of Part II B.
- (C) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements Part IIC of the Regulations.
- (D) The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act, the Regulations, and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
 - (1) Exceptions to the requirement that the land-disturbing activity obtain required VSMP authority permit or required state permits shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, or any other control measure duly approved by the Director except where allowed under Part II C of the regulations.

- (2) Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.
- (E) Nothing in this Section shall preclude an operator from constructing to a more stringent standard at their discretion.

Sec. 7-57. Performance Bond.

Prior to issuance of any permit, the Applicant shall be required to submit a reasonable performance bond with surety, cash escrow, letter of credit, insurance bond or any combination thereof, or such other legal arrangement acceptable to the county attorney, to ensure that measures could be taken by the County of Franklin at the Applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of him by the permit conditions as a result of his land disturbing activity. If the County of Franklin takes such action upon such failure by the Applicant, the Locality may collect from the Applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held, if any. Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit, insurance bond or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the Applicant or terminated.

Sec. 7-58. Long-term Maintenance of Permanent Stormwater Facilities.

- (A) The Administrator shall require the provision of long-term responsibility for and maintenance of stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Administrator and shall at a minimum:
 - (1) Be submitted to the Administrator for review and approval prior to the approval of the stormwater management plan;
 - (2) Be stated to run with the land;
 - (3) Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;
 - (4) Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Administrator; and
 - (5) Be enforceable by all appropriate governmental parties.
- (B) At the discretion of the Administrator, such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.
- (C) If a recorded instrument is not required pursuant to Subsection 7-55 (B), the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator

Sec. 7-59. Closure of Land Disturbing Activities.

Post-construction record documents, also known as "as-built" drawings, are required for all development projects that include permanent facilities for Stormwater Management. Such post-construction record documents shall be sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (54.1-400 et. seq.) of Chapter 4 of Title 54.1, and shall include language on the record documents certifying that the permanent facilities are in conformance with the approved Stormwater Management plan.

Sec. 7-60. Monitoring and Inspections.

- (A) The Administrator or any duly authorized agent of the Administrator shall inspect the land-disturbing activity during construction for:
 - (1) Compliance with the approved erosion and sediment control plan;
 - (2) Compliance with the approved stormwater management plan;
 - (3) Development, updating, and implementation of a stormwater pollution prevention plan; and
 - (4) Development and implementation of any additional control measures necessary to address a TMDL.
- (B) The Administrator or any duly authorized agent of the Administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Ordinance.
- (C) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the Administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.
- (D) Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.
- (E) Post-construction inspections of stormwater management facilities required by the provisions of this Ordinance shall be conducted by the Administrator or any duly authorized agent of the Administrator pursuant to the Locality's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years except as may otherwise be provided for in Section 7-55.

Sec. 7-61. Enforcement.

- (A) If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.
 - (1) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with Subsection (b) or the permit may be revoked by the Administrator.
 - (2) If a permittee fails to comply with a notice issued in accordance with this Section within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

- (B) Such orders shall be issued in accordance with the Stormwater Management and Erosion Control Manual. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the Administrator. However, if the Administrator finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all landdisturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with Subsection 7-58(C).
- (C) In addition to any other remedy provided by this Ordinance, if the Administrator or his designee determines that there is a failure to comply with the provisions of this Ordinance, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with the Stormwater Management and Erosion Control Manual.
- (D) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in Franklin County Circuit Court by the Locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.
- (E) Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
 - (1) Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:
 - (a) No state permit registration;
 - (b) No SWPPP:
 - (c) Incomplete SWPPP;
 - (d) SWPPP not available for review;
 - (e) No approved erosion and sediment control plan;
 - (f) Failure to install stormwater BMPs or erosion and sediment controls;
 - (g) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
 - (h) Operational deficiencies;
 - (i) Failure to conduct required inspections;
 - (j) Incomplete, improper, or missed inspections; and
 - (k) Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit.
 - (2) The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
 - (3) In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
 - (4) Any civil penalties assessed by a court as a result of a summons issued by Franklin County shall be paid into the treasury of the Franklin County to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct.

(F) Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of this Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than \$2,500 nor more than \$32,500, or both.

Sec. 7-62. Appeals.

Final decisions of the program administrator under this article shall be subject to review by the Franklin County Board of Supervisors, provided an appeal is filed within thirty (30) days from any written decision by the program administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Final decisions of the board of supervisors under this article shall be subject to review by Circuit Court of Franklin County, provided an appeal is filed within thirty (30) days from the date of any written decision by the Franklin County Board of Supervisors which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Public Hearing was opened.

The following individuals spoke in favor of the proposed amendments to Chapter 7. They expressed their desires for the County to run the program and not the State.

Phil Nester Dean Stone Sheldon Bower

Public Hearing was closed.

(RESOLUTION #10-04-2014)

BE IT THEREFORE ORDAINED, by the Board of Supervisors to adopt the previously advertised amendments to Chapter 7 - Stormwater Management and Erosion and Sediment Control Ordinance.

MOTION BY: Bob Camicia
SECONDED BY: Ronnie Thompson
VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

PETITION FOR REZONE – Petition of Howard Eugene Huff & Melinda Gail Huff, Petitioners/Owners requesting a rezone for a +/- 0.579 acre parcel (Lot 3) and a 0.476 acre parcel (a portion of Lot 4), from M-1, Light Industry with proffers to M-1, Light Industry, with amended proffers. The subject property is located at 1301 Old Franklin Turnpike in the Union Hall District of Franklin County; and is further identified as Tax Map # 54.2 Parcel # 13 and a portion of Tax Map # 54.2 Parcel # 14 for a total of 1.055 acres. The petitioner is now seeking to rezone with amended proffers and an amended concept plan to allow for the construction of an additional building on the property to support the existing use of automobile sales. (Case # REZO-2-14-12676)

Neil Holthouser, Director of Planning, presented the staff report.

Public Hearing was opened.

Clyde Perdue, Attorney, presented the rezone request.

Charlie Trelease, neighbor, noted he supported the amendment request.

Public Hearing was closed.

(RESOLUTION #11-04-2014)

BE IT THEREFORE ORDAINED, by the Board of Supervisors to approve the aforementioned rezoning with proffers, whereby the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not

be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended with the following proffers and deviations:

Proffers for Case # REZO-2-14-12676, Howard Eugene Huff & Melinda Gail Huff

- 1. <u>Substantial conformity</u>. The site shall be developed in substantial conformity with the conceptual plan of development entitled "Huff Subdivision: Revised Concept Plan," dated January 31, 2014, prepared by Stone Engineering.
- 2. Limitation of Use. Use of the site shall be limited to the following:
 - **a.)** Automobile sales with associated uses, including, without limitation: maintenance, repair, cleaning, washing and detailing.
 - **b.)** Office/retail uses associated with any uses approved for Parcel #54.2-13 and /or #54.2-14, as identified on the current Franklin County real estate records.
 - **c.)** Indoor storage associated with any uses approved for Parcel #54.2-13 and/or #54.2-14, as identified by Franklin County real estate records.
 - **d.)** Customer and/or employee parking associated with any uses approved for Parcel #54.2-13 and/or #54.2-14, as identified by Franklin County real estate records.

MOTION BY: Charles Wagner
SECONDED BY: Cline Brubaker
VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

PETITION FOR REZONE – Petition of Donnie Montgomery, Petitioner/Homestead Creamery, Inc., Owner requesting a rezone for a +/- 12.76 acre parcel (4.56 acres of parcel # 0280011800 and 8.2 acres of parcel # 0280011402) from A-1, Agricultural to B-2, Business District General, with proffers. The subject property is located on SR 122(Booker T. Washington Highway) in the Gills Creek District of Franklin County. The petitioner is now seeking to rezone for "off-street parking" and septic drain field expansion associated with an existing milk distribution business and retail located on parcel # 0280011400. (Case # REZO-

Neil Holthouser, Director of Planning, presented the staff report.

Public Hearing was opened.

3-14-12738)

No one spoke for or against the proposed rezone.

Public Hearing was closed.

(RESOLUTION #12-04-2014)

BE IT THEREFORE ORDAINED, by the Board of Supervisors to approve the aforementioned rezoning with proffers, whereby the proposed rezoning will not be of substantial detriment to adjacent property, that the character of the projected future land use of the community will not be adversely impacted, that such use will be in harmony with the purpose and intent of the zoning ordinance and with the public health, safety and general welfare, will promote good zoning practice and is in accord with Section 25-730 of the Franklin County Code and Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended with the following proffers and deviations:

Proffers for Case # REZO-3-14-12738, Donnie Montgomery/petitioner; Homestead Creamery Inc./owner

 <u>Substantial conformity</u>. The proposed development will be developed in substantial conformance to the Concept Plan submitted with the rezoning application, prepared by Parker Design Group, Inc. and dated March 3, 2014.

MOTION BY: Bob Camicia
SECONDED BY: Ronnie Thompson
VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Mitchell, Thompson, Wagner, Brubaker, Camicia, Thompson & Cundiff

PROPOSED LEASE OF REAL ESTATE

In accordance with the provisions of Section 15.2-1800 of the Code of Virginia, as amended, notice is hereby given to all interested parties that the Board of Supervisors of the County of Franklin, Virginia will conduct a public hearing on the proposed lease of real estate. Property is located at 2455 Sontag Road, Rocky Mount, Virginia and consists of approximately 1.001 acre, a house with approximately 1,653 square feet of finished space, and is further identified as Franklin County Tax Map/Parcel #0830007302.

Richard E. Huff, II, County Administrator, stated the County owns a house located at 2455 Sontag Road, Rocky Mount, Virginia, consisting of 1653 sq. ft house and 1.001 acres. Mr. Brian Hodges approached the staff about leasing the property as a residence and the draft lease agreement is submitted. State Code Section 15.2-1800 requires a public hearing to be held prior to leasing public property.

The draft lease proposes the following:

- 1. \$500.00 deposit
- 2. \$500.00/month lease
- 3. Lessee to provide all appliances
- 4. Term of the lease is 4/20/2014 4/19/2015
- 5. The County retains the use of the three (3) car garage on the property and right of access

RECOMMENDATION:

Staff recommends that the Board hold the required public hearing and after its close, approve, disapprove, or modify the proposed lease.

Public Hearing was opened.

No one spoke for or against the proposed lease of real estate.

Public Hearing was closed.

(RESOLUTION #13-04-2014)

BE IT THEREFORE ORDAINED, by the Board of Supervisors to approve the proposed lease as follows for the 2455 Sontag Road, Rocky Mount, Virginia property to Mr. Brian Hodges: The lease will consist of the following:

- 1. \$500.00 deposit
- 2 \$500.00/month lease
- 3. Lessee to provide all appliances
- 4 Term of the lease is 4/20/2014 4/19/2015
- 5. The County retains the use of the three (3) car garage on the property and right of access.

MOTION BY: Charles Wagner SECONDED BY: Ronnie Thompson

VOTING ON THE MOTION WAS AS FOLLOWS:

AYES: Thompson, Cundiff, Angell, Johnson, Thompson & Wagner

ABSTAINED: Mitchell

Mr. Bob Camicia recommended that at the end of the proposed lease for the property at 2455 Sontag Road, a property management firm/realtor be engaged by the County to determine Fair Market Value for the rental and handle the business transaction if a lease is to be continued on the property.

Recess to the Benjamin Franklin Middle School East Auditorium for 7:00 P.M. Public Hearings for the Proposed FY' 2014-2015 County Budget

Chairman Cundiff, Call the meeting to Order and Recessed for the Previously Advertised Public Hearings for the **Proposed FY'2014-2015 County Budget**

Richard E. Huff, II, County Administrator, presented the following PowerPoint:

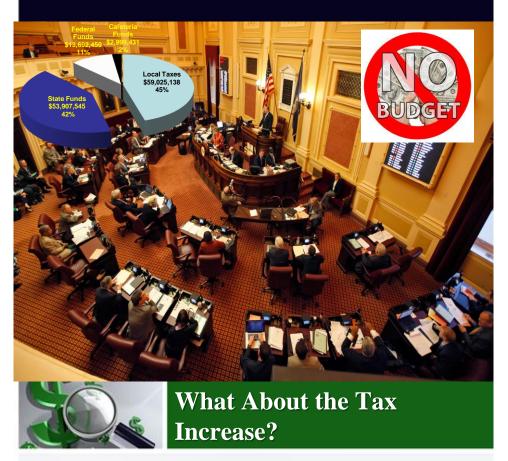


FY 2014-15 Budget Public Hearing

April 15, 2014



FY 2014-15 Advertised Budget



- 2¢ Real Estate Tax Increase on \$200,000 house = \$3.33/mo.
- 2¢ Personal Property Increase on Vehicles valued at \$20,000 = \$.33/mo.
- Vehicle License Tax Increase totaling \$18.50 per year on 2 vehicles = \$ 1.54 /mo.
- Combined = \$5.20/mo.



The Need as Advertised

 Budget as Advertised Would Generate an Additional \$1,870,000 Which Represents an Additional 1.47% Beyond Growth Revenues on a \$129,624,564 Total Budget

4



The Need as Advertised

- What am I Getting for the Additional Taxes?
 - 1/3 (\$600,000) Strategically Set Aside for Upcoming Major Costs to Improve Radio Communications, Develop Land for a New Business Park to Create Jobs and Build a Career & Technical Education Center to Train our Young People. A Total of \$3.8 million Repeating Revenues Needed by 2019-20 (5 Years)
 - 1/3 (\$635,000) Goes to School System for Mandated Costs Above Last Year and Expenses Required to Receive \$303,000 in Additional State Funds for Prevention, Intervention, At Risk, and Remediation Programs
 - 1/3 (\$635,000) Goes to County to Cover Increased Ongoing Adult Corrections and At Risk Youth Programs

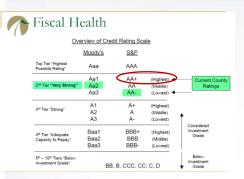


Cut to the Chase

- General Fund Slight Increase of 0.61% Absent Mandates/Required Items
- School Fund Slight Increase of 0.88%
 Absent Mandated Items, Carryover and Programs
 Required to Draw Additional State Funds
- Total Budget Slight Increase of 0.75% Absent Mandated/Required Items, and Match for State Funding



Bond Ratings Achievement



	Moody	's S&P
Franklin County	Aa2	(AA+)
Roanoke City	Aa2	AA+
Roanoke County	Aa3	AA+
Botetourt County	Aa2	AA+
Bedford County	Aa3	none
Pittsylvania County	Aa3	A+
Henry County	Aa3	none
Floyd County	none	none
Patrick County	A1	A+





FY '14-'15 Budget Growth Revenues

New Local Discretionary Revenue \$1,120,283



School System \$591,043 52.76%



General Government \$529,240 47.24%



Summary-Shortfall Beyond Growth Revenues Total \$2,117,734

School Shortfall

- \$292,635 for Just Mandates/Required for Additional State Funding
- \$490,050 for Health Insurance
- No buses
- No other initiatives
- Does not include other required increases, i.e., increased electricity, fuel,

(\$782,685)

County Shortfall

- \$435,049 for Required/Mandated \$300,000 for Health Insurance
- Does not include other required increases, i.e., , i.e., increased electricity, fuel, etc.

(\$735,049)

Long Term Capital Shortfall

 \$600,000 Started Towards \$3.8 million Needed of Ongoing Revenues

(\$600,000)



Strategic Capital **Investments?**

Long Term Capital Shortfall

 \$600,000 Started Towards \$3.8 million Needed of Ongoing Revenues

(\$600,000)

1/3 (\$600,000) Strategically Set Aside for Upcoming Major Expenses to Improve Radio Communications, Develop Land for a New Business Park to Create Jobs and Build a Career & Technical Education Center to Train our Young People. A Total of \$3.8 million Needed by 2019-20 (5 Years) to Pay the Principle and Interest Payments Each Year of Proposed Loan (Must Repeat

Just Like was Done to Pay the Windy Gap Elementary School Loan (\$12.5 million) or Cash Set Aside to Pay for \$7.5 million Landfill Expansion....It Can't All Be Done in One Year, Must Build Up and Plan Ahead

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Definitions are Important

- One Time If there are savings during the year, they can only be spent once and they are gone
 - Example You are given a birthday present of \$100.00. Can you buy a new car and pay the monthly car payment with the birthday money that at best comes only once a year? What do you use next month for the car payment?
- Ongoing Revenue Revenue that is expected to continue in future years if put into ongoing programs, salaries, etc.
 - Example -You buy a rental house and the rent is expected to be \$600.00 per month. That is expected to continue so you use that ongoing revenue to make the mortgage payment on the rental house until it is paid off.



What Got Added to the Minimums?

County Mandated/Required		
Regional Jail-Operational Increase		\$420,888
Regional Jail-Capital Requirement	\$643,467	\$222,579
Comprehensive Services Act 30% increase trend	developing	\$150,000
Courthouse Security Screeners Assumes PT	Deputies Used (8 Mos.)	\$47,500
County Agricultural Fair Start Up Costs		\$50,000
Increase at TLAC for Shoreline Redelineation		\$17,436
Stormwater Specialist-State Mandated Program	-	\$55,886
		(\$964,289)
D	Discretionary Revenue	\$529,240
S	hortfall to Meet Mandates	(\$435,049



School Funding

- Additional Local Discretionary Revenue +\$591,043
- Additional Penny Real Estate Increase +\$635,000
- Additional State Revenue from Governor McDonnell's Proposed 2014-15 Budget +\$857,470
- VRS Retirement Health Care Credit and Group Life Insurance (\$1,257,101)
- VRS Phase-In of an Additional 1.00% Retirement (\$193,196)
- Additional State Program Costs for PIR, At Risk, VPI and ERI (\$509,194)
- Additional State Revenue if \$509,194 is spent +303,563
- SpEd Regional Program Tuition Costs (\$85,220)
- \$342,365 1.50 Minimum Move up one step Pay Increase (\$1,253,748)
- Funding to Revise Pay Scales for Paraprofessionals and LPN's (\$222,850)
- Two Elementary Guidance Counselors (\$31,476)
- Three Social Workers (SAS) (\$161,837)
- Planning for Focused Usage of Technology (\$70,000) One Behavior Analyst/Specialist (\$80,892)
- One Administrator for FCHS (\$95,345)
- Employee Group Health Insurance Increase (\$
- Two ITRT's (\$107.891)

ve School Bus Replacements (\$1,118,408) + \$340,000 = (\$778,408)

E-mail Archiving System (\$70,000)



Recap on Just Mandated/Required

- \$1,257,000 Required New Contribution to Teacher Pension Fund to Assure its Long Term Viability - Mandated
- \$55,886 New Stormwater Program That Either We Must Operate or Invite DEQ to Operate for our Development Community - Required One Way or the Other
- \$643,467 Required Additional Funds for Adult Correctional Costs for Operations and Capital Debt Costs as a Result of Sustained Increase of Inmates at the Regional Jail
- \$150,000 New **Requirement** for Additional Dollars for At Risk Children (CSA), Many of Whom are Special Education Designated
- \$509,194 Other School Initiatives (Required to spend to receive additional state revenues ((state subsidy)) of \$303,563)
- \$193,196 VRS School Employees Phase In

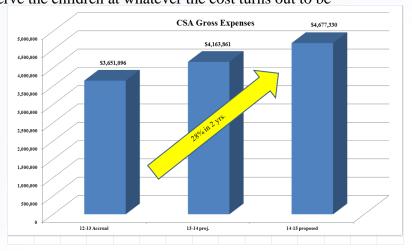
14

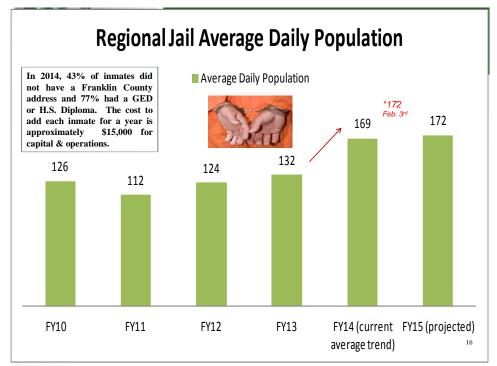
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Comprehensive Services

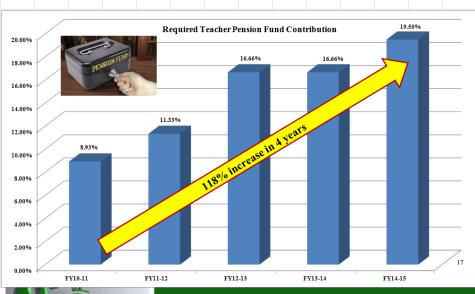
CSA is a "Sum Sufficient" Required Program meaning we must serve the children at whatever the cost turns out to be







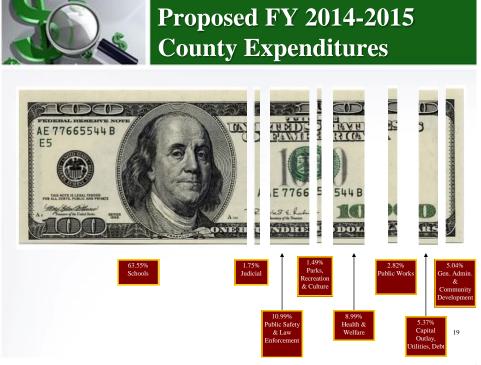
Required Retirement Benefits



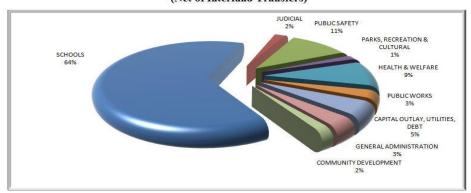


Inflation

- What does inflation look like to local government?
 - CSA up 12.3% since last year
 - Adult Corrections up 32.6% since last year
 - Teacher Pension Contribution Rate up 2.8% of payroll since last year (17% increase in cost)
 - County Health Insurance up 12.5% since last year, Schools Projecting 9.5%
 - Required Stormwater Plan Review and Inspections- Brand New



PROPOSED FY 14-15 COUNTY EXPENDITURES (Net of Interfund Transfers)



	FY 2013-14	FY 2014-15 PROPOSED	FY 2013-14/ FY 2014-15		PERCENT
	ADOPTED		DIFFERENCE	% CHANGE	OF TOTAL
SCHOOLS	79,213,145	82,382,004 *	3,168,859	4.00%	63.55%
JUDICIAL	2,375,496	2,271,594	-103,902	-4.37%	1.75%
PUBLIC SAFETY	13,257,144	14,251,880	994,736	7.50%	10.99%
PARKS, RECREATION & CULTURAL	1,923,159	1,928,496	5,337	0.28%	1.49%
HEALTH & WELFARE	11,414,920	11,654,429	239,509	2.10%	8.99%
PUBLIC WORKS	3,579,834	3,651,558	71,724	2.00%	2.82%
CAPITAL OUTLAY, UTILITIES, DEBT	6,261,236	6,956,423	695,187	11.10%	5.37%
GENERAL ADMINISTRATION	4,125,906	4,195,798	69,892	1.69%	3.24%
COMMUNITY DEVELOPMENT	2,144,761	2,332,382	187,621	8.75%	1.80%
TOTALS	124,295,601	129,624,564	5,328,963	4.29%	100.00%

Sincerest Appreciation to County & School Staff for Their Hard Work in the Development of This Budget & Presentation!!!

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PUBLIC NOTICE FRANKLIN COUNTY, VIRGINIA A HEARING ON THE PROPOSED FY' 2014-2015 BUDGET

on *Tuesday, April 15, 2014, at approximately 7:00 P.M.* or soon thereafter, the Franklin County Board of Supervisors will conduct a hearing on the proposed FY' 2014-2015 County budget at the Benjamin Franklin Middle School East Auditorium in Rocky Mount, Virginia.

On *Tuesday, April 22, 2014, at approximately 6:00 P. M.*, the Board will meet in the Franklin County Board of Supervisors Meeting Room in the Franklin County Government Center, Suite 104, Rocky Mount, Virginia to consider the adoption of the FY' 2014-2015 budget and to set the appropriate tax levies for local taxation. The following synopsis of the budget is provided for fiscal planning purposes only. No entry in the budget constitutes an obligation on the part of the County until such funds are appropriated by the Franklin County Board of Supervisors.

SYNOPSIS OF THE PROPOSED BUDGET FOR FISCAL YEAR FY' 2014-2015

Proposed

Percent

Expenditure Function	Expenditures	of Budget
General and Financial Administration	\$4,195,798	3.24%
Judicial System	\$2,271,594	1.75%
Public Safety	\$14,251,880	10.99%
Public Works	\$3,651,558	2.82%
Health and Welfare	\$11,654,429	8.99%
Schools	\$82,382,004	63.55%
Recreation and Cultural	\$1,928,496	1.49%
Community Development	\$2,332,382	1.80%
Debt Service	\$2,887,432	2.23%
Non-Departmental	\$288,164	0.22%
Capital Outlay	\$3,235,501	2.50%
Utilities	\$545,326	0.42%
Sub-Total	\$129,624,564	100.00%
Transfers Between Funds	\$41,006,290	
Total	\$170,630,854	
Adult Education Regional Program	\$893,653	
	Proposed	Percent
Revenue Function	Revenues	Of Budget
General Property Taxes/Other Local		
Taxes	\$59,025,138	45.54%
State Funds – County	\$15,580,032	12.02%
State School Funds	\$38,327,513	29.57%
Federal School Funds	\$7,496,539	5.78%
Local School Funds		
	\$2,999,431	2.31%
Other County Funds Fund Balance	\$2,999,431 \$5,410,601	2.31% 4.17%
Other County Funds	\$2,999,431 \$5,410,601 \$785,310	2.31% 4.17% 0.61%
Other County Funds Fund Balance Sub-Total	\$2,999,431 \$5,410,601 \$785,310 \$129,624,564	2.31% 4.17%
Other County Funds Fund Balance Sub-Total Transfers Between Funds	\$2,999,431 \$5,410,601 \$785,310 \$129,624,564 \$41,006,290	2.31% 4.17% 0.61%
Other County Funds Fund Balance Sub-Total	\$2,999,431 \$5,410,601 \$785,310 \$129,624,564	2.31% 4.17% 0.61%

COUNTY OF FRANKLIN PUBLIC NOTICE HEARING ON SETTING OF TAX LEVIES

In accordance with Sections 15.2-1427 and 15.2-2507 of the Code of Virginia, as amended, notice is hereby given that the Franklin County Board of Supervisors will conduct a public hearing on *Tuesday, April 15, 2014*, at approximately *7:00 P. M.* in the Benjamin Franklin Middle School East Auditorium, Rocky Mount, Virginia.

A HEARING TO SET TAX LEVIES FOR THE FOLLOWING CLASSES OF PROPERTY:

- 1. Setting a tax levy of \$.56/\$100 of assessed value on real estate, public service corporation property, and mobile homes; pursuant to the authority of 58.1-3200, 58.1-3201, 58.1-3202, 58.1-3203, 58.1-3204, 58.1-3205 of the Code of Virginia, as amended.
- 2. Setting a tax levy of \$2.36/\$100 of assessed value on personal property, pursuant to the authority of 58.1-3500, 58.1-3501, 58.1-3502, 58.1-3503, 58.1-3506 of the Code of Virginia, as amended.
- 3. Setting a tax levy of \$1.89/\$100 of assessed value on personal property, classified as heavy construction machinery, including but not limited to land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers owned by businesses pursuant to the authority of 58.1-3508.2 of the Code of Virginia, as amended.
- 4. Setting a tax levy of \$0.70/\$100 assessed value on machinery and tools based on original cost and declining depreciation over a 7-year period. By the seventh year of depreciation, the effective rate is \$0.28 per \$100 assessed value. This rate is levied pursuant to the authority of 58.1-3507(B) of the Code of Virginia, as amended.
- 5. Setting a tax levy of \$1.08/\$100 of assessed value on merchants' capital, pursuant to the authority of 58.1-3509, and 58.1-3510 of the Code of Virginia, as amended.

Public Hearing was opened.

The following citizens provided comments either in support or against the advertised budget and tax increases as follows:

Rick Arrington Against Oscar Pagans Against Paul Swecker, Jr. Against George Morrison Support Tom Joyce Support Harry Sink Against David Young Against Darrell Reynolds Against Holley & John Lipscomb Against Bill Jacobson Support Support Jennifer & Dexter Rakes Michael Brown Support Addison Whittington Support Support Alyssa Dodson Leigh Ann Worley Support Leslie Musgrave Against Whitey Taylor Support Jeff Cummings Against Cathy Ferguson Against

Public Hearing was closed.

Chairman Cundiff adjourned the meeting.

DAVID CUNDIFF SHARON K. TUDOR, MMC COUNTY CLERK